

Senate Study Bill 3191 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

1 An Act relating to appropriations for health and human services
2 and including other related provisions and appropriations,
3 and including effective, retroactive, and applicability date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENT ON AGING — FY 2012-2013

Section 1. 2011 Iowa Acts, chapter 129, section 113, is amended to read as follows:

SEC. 113. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,151,288
		<u>10,302,577</u>
.....	FTEs	35.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. The amount appropriated in this section includes ~~additional funding of \$225,000~~ \$450,000 for delivery of long-term care services to seniors with low or moderate

1 incomes.

2 3. Of the funds appropriated in this section, ~~\$89,973~~
3 \$179,946 shall be transferred to the department of economic
4 development for the Iowa commission on volunteer services to be
5 used for the retired and senior volunteer program.

6 4. a. The department on aging shall establish and enforce
7 procedures relating to expenditure of state and federal funds
8 by area agencies on aging that require compliance with both
9 state and federal laws, rules, and regulations, including but
10 not limited to all of the following:

11 (1) Requiring that expenditures are incurred only for goods
12 or services received or performed prior to the end of the
13 fiscal period designated for use of the funds.

14 (2) Prohibiting prepayment for goods or services not
15 received or performed prior to the end of the fiscal period
16 designated for use of the funds.

17 (3) Prohibiting the prepayment for goods or services
18 not defined specifically by good or service, time period, or
19 recipient.

20 (4) Prohibiting the establishment of accounts from which
21 future goods or services which are not defined specifically by
22 good or service, time period, or recipient, may be purchased.

23 b. The procedures shall provide that if any funds are
24 expended in a manner that is not in compliance with the
25 procedures and applicable federal and state laws, rules, and
26 regulations, and are subsequently subject to repayment, the
27 area agency on aging expending such funds in contravention of
28 such procedures, laws, rules and regulations, not the state,
29 shall be liable for such repayment.

30 DIVISION II

31 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

32 Sec. 2. 2011 Iowa Acts, chapter 129, section 114,
33 subsections 1 through 3, are amended to read as follows:

34 1. ADDICTIVE DISORDERS

35 For reducing the prevalence of use of tobacco, alcohol, and

1 other drugs, and treating individuals affected by addictive
2 behaviors, including gambling, and for not more than the
3 following full-time equivalent positions:

4	\$	11,751,595
5		<u>23,503,190</u>
6	FTEs	13.00

7 a. (1) Of the funds appropriated in this subsection,
8 ~~\$1,626,915~~ \$3,253,830 shall be used for the tobacco use
9 prevention and control initiative, including efforts at the
10 state and local levels, as provided in chapter 142A. The
11 commission on tobacco use prevention and control established
12 pursuant to section 142A.3 shall advise the director of
13 public health in prioritizing funding needs and the allocation
14 of moneys appropriated for the programs and activities of
15 the initiative under this subparagraph (1) and shall make
16 recommendations to the director in the development of budget
17 requests relating to the initiative.

18 (2) Of the funds allocated in this paragraph "a", ~~\$226,915~~
19 \$453,830 shall be transferred to the alcoholic beverages
20 division of the department of commerce for enforcement of
21 tobacco laws, regulations, and ordinances in accordance with
22 2011 Iowa Acts, ~~House File 467, as enacted~~ chapter 63.

23 b. Of the funds appropriated in this subsection,
24 ~~\$10,124,680~~ \$20,249,360 shall be used for problem gambling and
25 substance abuse prevention, treatment, and recovery services,
26 including a 24-hour helpline, public information resources,
27 professional training, and program evaluation.

28 (1) Of the funds allocated in this paragraph "b", ~~\$8,566,254~~
29 \$17,132,508 shall be used for substance abuse prevention and
30 treatment.

31 (a) Of the funds allocated in this subparagraph (1),
32 ~~\$449,650~~ \$899,300 shall be used for the public purpose of a
33 grant program to provide substance abuse prevention programming
34 for children.

35 (i) Of the funds allocated in this subparagraph division

1 (a), ~~\$213,769~~ 427,539 shall be used for grant funding for
2 organizations that provide programming for children by
3 utilizing mentors. Programs approved for such grants shall be
4 certified or will be certified within six months of receiving
5 the grant award by the Iowa commission on volunteer services as
6 utilizing the standards for effective practice for mentoring
7 programs.

8 (ii) Of the funds allocated in this subparagraph division
9 (a), ~~\$213,419~~ \$426,839 shall be used for grant funding for
10 organizations that provide programming that includes youth
11 development and leadership. The programs shall also be
12 recognized as being programs that are scientifically based with
13 evidence of their effectiveness in reducing substance abuse in
14 children.

15 (iii) The department of public health shall utilize a
16 request for proposals process to implement the grant program.

17 (iv) All grant recipients shall participate in a program
18 evaluation as a requirement for receiving grant funds.

19 (v) Of the funds allocated in this subparagraph division
20 (a), up to ~~\$22,461~~ \$44,922 may be used to administer substance
21 abuse prevention grants and for program evaluations.

22 (b) Of the funds allocated in this subparagraph (1),
23 ~~\$136,531~~ \$273,062 shall be used for culturally competent
24 substance abuse treatment pilot projects.

25 (i) The department shall utilize the amount allocated
26 in this subparagraph division (b) for at least three pilot
27 projects to provide culturally competent substance abuse
28 treatment in various areas of the state. Each pilot project
29 shall target a particular ethnic minority population. The
30 populations targeted shall include but are not limited to
31 African American, Asian, and Latino.

32 (ii) The pilot project requirements shall provide for
33 documentation or other means to ensure access to the cultural
34 competence approach used by a pilot project so that such
35 approach can be replicated and improved upon in successor

1 programs.

2 (2) Of the funds allocated in this paragraph "b", up
3 to ~~\$1,558,426~~ \$3,116,852 may be used for problem gambling
4 prevention, treatment, and recovery services.

5 (a) Of the funds allocated in this subparagraph (2),
6 ~~\$1,289,500~~ \$2,579,000 shall be used for problem gambling
7 prevention and treatment.

8 (b) Of the funds allocated in this subparagraph (2), up to
9 ~~\$218,926~~ \$437,852 may be used for a 24-hour helpline, public
10 information resources, professional training, and program
11 evaluation.

12 (c) Of the funds allocated in this subparagraph (2), up
13 to ~~\$50,000~~ \$100,000 may be used for the licensing of problem
14 gambling treatment programs.

15 (3) It is the intent of the general assembly that from the
16 moneys allocated in this paragraph "b", persons with a dual
17 diagnosis of substance abuse and gambling addictions shall be
18 given priority in treatment services.

19 c. Notwithstanding any provision of law to the contrary,
20 to standardize the availability, delivery, cost of delivery,
21 and accountability of problem gambling and substance abuse
22 treatment services statewide, the department shall continue
23 implementation of a process to create a system for delivery
24 of treatment services in accordance with the requirements
25 specified in 2008 Iowa Acts, chapter 1187, section 3,
26 subsection 4. To ensure the system provides a continuum of
27 treatment services that best meets the needs of Iowans, the
28 problem gambling and substance abuse treatment services in any
29 area may be provided either by a single agency or by separate
30 agencies submitting a joint proposal.

31 (1) The system for delivery of substance abuse and problem
32 gambling treatment shall include problem gambling prevention.

33 (2) The system for delivery of substance abuse and problem
34 gambling treatment shall include substance abuse prevention by
35 July 1, 2014.

1 (3) Of the funds allocated in paragraph "b", the department
2 may use up to ~~\$50,000~~ \$100,000 for administrative costs to
3 continue developing and implementing the process in accordance
4 with this paragraph "c".

5 d. The requirement of section 123.53, subsection 5, is met
6 by the appropriations and allocations made in this Act for
7 purposes of substance abuse treatment and addictive disorders
8 for the fiscal year beginning July 1, 2012.

9 e. The department of public health shall work with all other
10 departments that fund substance abuse prevention and treatment
11 services and all such departments shall, to the extent
12 necessary, collectively meet the state maintenance of effort
13 requirements for expenditures for substance abuse services
14 as required under the federal substance abuse prevention and
15 treatment block grant.

16 f. The department shall amend or otherwise revise
17 departmental policies and contract provisions in order to
18 eliminate free t-shirt distribution, banner production, and
19 other unnecessary promotional expenditures.

20 2. HEALTHY CHILDREN AND FAMILIES

21 For promoting the optimum health status for children,
22 adolescents from birth through 21 years of age, and families,
23 and for not more than the following full-time equivalent
24 positions:

25	\$	1,297,135
26		<u>2,594,270</u>
27	FTEs	10.00

28 a. Of the funds appropriated in this subsection, not
29 more than ~~\$369,659~~ \$739,318 shall be used for the healthy
30 opportunities to experience success (HOPES)-healthy families
31 Iowa (HFI) program established pursuant to section 135.106.
32 The funding shall be distributed to renew the grants that were
33 provided to the grantees that operated the program during the
34 fiscal year ending June 30, 2012.

35 b. Of the funds appropriated in this subsection, ~~\$164,942~~

1 \$329,885 shall be used to continue to address the healthy
2 mental development of children from birth through five years
3 of age through local evidence-based strategies that engage
4 both the public and private sectors in promoting healthy
5 development, prevention, and treatment for children.

6 c. Of the funds appropriated in this subsection, ~~\$15,798~~
7 \$31,597 shall be distributed to a statewide dental carrier to
8 provide funds to continue the donated dental services program
9 patterned after the projects developed by the lifeline network
10 to provide dental services to indigent elderly and disabled
11 individuals.

12 d. Of the funds appropriated in this subsection, ~~\$56,338~~
13 \$112,677 shall be used for childhood obesity prevention.

14 e. Of the funds appropriated in this subsection, ~~\$81,880~~
15 \$163,760 shall be used to provide audiological services and
16 hearing aids for children. The department may enter into a
17 contract to administer this paragraph.

18 3. CHRONIC CONDITIONS

19 For serving individuals identified as having chronic
20 conditions or special health care needs, and for not more than
21 the following full-time equivalent positions:

22	\$	1,680,828
23		<u>3,361,656</u>
24	FTEs	4.00

25 a. Of the funds appropriated in this subsection, ~~\$80,291~~
26 \$160,582 shall be used for grants to individual patients
27 who have phenylketonuria (PKU) to assist with the costs of
28 necessary special foods.

29 b. Of the funds appropriated in this subsection, ~~\$241,800~~
30 \$483,600 is allocated for continuation of the contracts for
31 resource facilitator services in accordance with section
32 135.22B, subsection 9, and for brain injury training services
33 and recruiting of service providers to increase the capacity
34 within this state to address the needs of individuals with
35 brain injuries and such individuals' families.

1 c. Of the funds appropriated in this subsection, ~~\$249,437~~
2 \$498,874 shall be used as additional funding to leverage
3 federal funding through the federal Ryan White Care Act, Tit.
4 II, AIDS drug assistance program supplemental drug treatment
5 grants.

6 d. Of the funds appropriated in this subsection, ~~\$15,627~~
7 \$31,254 shall be used for the public purpose of providing
8 a grant to an existing national-affiliated organization to
9 provide education, client-centered programs, and client and
10 family support for people living with epilepsy and their
11 families.

12 e. Of the funds appropriated in this subsection, ~~\$394,151~~
13 \$788,303 shall be used for child health specialty clinics.

14 f. Of the funds appropriated in this subsection, ~~\$248,533~~
15 \$497,065 shall be used for the comprehensive cancer control
16 program to reduce the burden of cancer in Iowa through
17 prevention, early detection, effective treatment, and ensuring
18 quality of life. Of the funds allocated in this lettered
19 paragraph, ~~\$75,000~~ \$150,000 shall be used to support a melanoma
20 research symposium, a melanoma biorepository and registry,
21 basic and translational melanoma research, and clinical trials.

22 g. Of the funds appropriated in this subsection, ~~\$63,225~~
23 \$126,450 shall be used for cervical and colon cancer screening.

24 h. Of the funds appropriated in this subsection, ~~\$264,417~~
25 \$528,834 shall be used for the center for congenital and
26 inherited disorders.

27 i. Of the funds appropriated in this subsection, ~~\$64,968~~
28 \$129,937 shall be used for the prescription drug donation
29 repository program created in chapter 135M.

30 COMMUNITY CAPACITY APPROPRIATION

31 Sec. 3. 2011 Iowa Acts, chapter 129, section 114, subsection
32 4, unnumbered paragraph 1, is amended to read as follows:

33 For strengthening the health care delivery system at the
34 local level, and for not more than the following full-time
35 equivalent positions:

1	\$	2,117,583
2		<u>4,235,166</u>
3	FTEs	14.00

COMMUNITY CAPACITY ALLOCATIONS

5 Sec. 4. 2011 Iowa Acts, chapter 129, section 114, subsection
6 4, paragraphs a through g, are amended to read as follows:

7 a. Of the funds appropriated in this subsection, ~~\$50,000~~
8 \$100,000 is allocated for a child vision screening program
9 implemented through the university of Iowa hospitals and
10 clinics in collaboration with early childhood Iowa areas.

11 b. Of the funds appropriated in this subsection, ~~\$55,654~~
12 \$111,308 is allocated for continuation of an initiative
13 implemented at the university of Iowa and ~~\$50,246~~ \$100,493
14 is allocated for continuation of an initiative at the state
15 mental health institute at Cherokee to expand and improve the
16 workforce engaged in mental health treatment and services.
17 The initiatives shall receive input from the university of
18 Iowa, the department of human services, the department of
19 public health, and the mental health and disability services
20 commission to address the focus of the initiatives.

21 c. Of the funds appropriated in this subsection, ~~\$585,745~~
22 \$1,171,491 shall be used for essential public health services
23 that promote healthy aging throughout the lifespan, contracted
24 through a formula for local boards of health, to enhance health
25 promotion and disease prevention services.

26 d. Of the funds appropriated in this section, ~~\$60,908~~
27 \$121,817 shall be deposited in the governmental public health
28 system fund created in section 135A.8 to be used for the
29 purposes of the fund.

30 e. Of the funds appropriated in this subsection, ~~\$72,271~~
31 \$144,542 shall be used for the mental health professional
32 shortage area program implemented pursuant to section 135.80.

33 f. Of the funds appropriated in this subsection, ~~\$19,131~~
34 \$38,263 shall be used for a grant to a statewide association
35 of psychologists that is affiliated with the American

1 psychological association to be used for continuation of a
2 program to rotate intern psychologists in placements in urban
3 and rural mental health professional shortage areas, as defined
4 in section ~~135.80~~ 135.180.

5 g. Of the funds appropriated in this subsection, the
6 following amounts shall be allocated to the Iowa collaborative
7 safety net provider network established pursuant to section
8 135.153 to be used for the purposes designated. The following
9 amounts allocated under this lettered paragraph shall be
10 distributed to the specified provider and shall not be reduced
11 for administrative or other costs prior to distribution:

12 (1) For distribution to the Iowa primary care association
13 for statewide coordination of the Iowa collaborative safety net
14 provider network:

15 \$ ~~66,290~~
16 132,580

17 (2) For distribution to the local boards of health that
18 provide direct services for pilot programs in three counties to
19 assist patients in determining an appropriate medical home:

20 \$ ~~38,804~~
21 77,609

22 (3) For distribution to maternal and child health centers
23 for pilot programs in three counties to assist patients in
24 determining an appropriate medical home:

25 \$ ~~38,804~~
26 77,609

27 (4) For distribution to free clinics for necessary
28 infrastructure, statewide coordination, provider recruitment,
29 service delivery, and provision of assistance to patients in
30 determining an appropriate medical home:

31 \$ ~~62,025~~
32 124,050

33 (5) For distribution to rural health clinics for necessary
34 infrastructure, statewide coordination, provider recruitment,
35 service delivery, and provision of assistance to patients in

1 determining an appropriate medical home:
 2 \$ ~~55,215~~
 3 110,430

4 (6) For continuation of the safety net provider patient
 5 access to specialty health care initiative as described in 2007
 6 Iowa Acts, chapter 218, section 109:
 7 \$ ~~130,000~~
 8 260,000

9 (7) For continuation of the pharmaceutical infrastructure
 10 for safety net providers as described in 2007 Iowa Acts,
 11 chapter 218, section 108:
 12 \$ ~~135,000~~
 13 270,000

14 The Iowa collaborative safety net provider network may
 15 continue to distribute funds allocated pursuant to this
 16 lettered paragraph through existing contracts or renewal of
 17 existing contracts.

18 COMMUNITY CAPACITY ALLOCATIONS

19 Sec. 5. 2011 Iowa Acts, chapter 129, section 114, subsection
 20 4, paragraph h, subparagraph (1), is amended to read as
 21 follows:

22 (1) Of the funds appropriated in this subsection, ~~\$74,500~~
 23 \$149,000 shall be used for continued implementation of
 24 the recommendations of the direct care worker task force
 25 established pursuant to 2005 Iowa Acts, chapter 88, based upon
 26 the report submitted to the governor and the general assembly
 27 in December 2006. The department may use a portion of the
 28 funds allocated in this lettered paragraph for an additional
 29 position to assist in the continued implementation.

30 COMMUNITY CAPACITY ALLOCATIONS

31 Sec. 6. 2011 Iowa Acts, chapter 129, section 114, subsection
 32 4, paragraphs i through k, are amended to read as follows:

33 i. (1) Of the funds appropriated in this subsection,
 34 ~~\$65,050~~ \$130,100 shall be used for allocation to an independent
 35 statewide direct care worker association under a contract with

1 terms determined by the director of public health relating
2 to education, outreach, leadership development, mentoring,
3 and other initiatives intended to enhance the recruitment and
4 retention of direct care workers in health care and long-term
5 care settings.

6 (2) Of the funds appropriated in this subsection, ~~\$29,000~~
7 \$58,000 shall be used to provide scholarships or other forms of
8 subsidization for direct care worker educational conferences,
9 training, or outreach activities.

10 j. Of the funds appropriated in this subsection, the
11 department may use up to ~~\$29,259~~ \$58,518 for up to one
12 full-time equivalent position to administer the volunteer
13 health care provider program pursuant to section 135.24.

14 k. Of the funds appropriated in this subsection, ~~\$25,000~~
15 \$50,000 shall be used for a matching dental education loan
16 repayment program to be allocated to a dental nonprofit health
17 service corporation to develop the criteria and implement the
18 loan repayment program.

19 Sec. 7. 2011 Iowa Acts, chapter 129, section 114,
20 subsections 5 through 9, are amended to read as follows:

21 5. HEALTHY AGING

22 To provide public health services that reduce risks and
23 invest in promoting and protecting good health over the
24 course of a lifetime with a priority given to older Iowans and
25 vulnerable populations:

26 \$ ~~3,648,571~~
27 7,297,142

28 a. Of the funds appropriated in this subsection, ~~\$1,004,593~~
29 \$2,009,187 shall be used for local public health nursing
30 services.

31 b. Of the funds appropriated in this subsection, ~~\$2,643,977~~
32 \$5,287,955 shall be used for home care aide services.

33 6. ENVIRONMENTAL HAZARDS

34 For reducing the public's exposure to hazards in the
35 environment, primarily chemical hazards, and for not more than

1 the following full-time equivalent positions:

2	.....	\$	406,888
3			<u>813,777</u>
4	.....	FTEs	4.00

5 Of the funds appropriated in this subsection, ~~\$272,188~~
6 \$544,377 shall be used for childhood lead poisoning provisions.

7 7. INFECTIOUS DISEASES

8 For reducing the incidence and prevalence of communicable
9 diseases, and for not more than the following full-time
10 equivalent positions:

11	.....	\$	672,923
12			<u>1,345,847</u>
13	.....	FTEs	4.00

14 8. PUBLIC PROTECTION

15 For protecting the health and safety of the public through
16 establishing standards and enforcing regulations, and for not
17 more than the following full-time equivalent positions:

18	.....	\$	1,388,116
19			<u>2,776,232</u>
20	.....	FTEs	125.00
21			<u>127.00</u>

22 a. Of the funds appropriated in this subsection, not more
23 than ~~\$235,845~~ \$471,690 shall be credited to the emergency
24 medical services fund created in section 135.25. Moneys in
25 the emergency medical services fund are appropriated to the
26 department to be used for the purposes of the fund.

27 b. Of the funds appropriated in this subsection, ~~\$105,309~~
28 \$210,619 shall be used for sexual violence prevention
29 programming through a statewide organization representing
30 programs serving victims of sexual violence through the
31 department's sexual violence prevention program. The amount
32 allocated in this lettered paragraph shall not be used to
33 supplant funding administered for other sexual violence
34 prevention or victims assistance programs.

35 c. Of the funds appropriated in this subsection, not more

1 than ~~\$218,291~~ \$436,582 shall be used for the state poison
2 control center.

3 9. RESOURCE MANAGEMENT

4 For establishing and sustaining the overall ability of the
5 department to deliver services to the public, and for not more
6 than the following full-time equivalent positions:

7	\$	409,777
8		<u>819,554</u>
9	FTEs	7.00

10 The university of Iowa hospitals and clinics under the
11 control of the state board of regents shall not receive
12 indirect costs from the funds appropriated in this section.
13 The university of Iowa hospitals and clinics billings to the
14 department shall be on at least a quarterly basis.

15 VISION SCREENING

16 Sec. 8. 2011 Iowa Acts, chapter 129, section 114, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 10. VISION SCREENING. For continuation of
19 a grant to a nationally affiliated volunteer eye organization
20 that has an established program for children and adults and
21 that is solely dedicated to preserving sight and preventing
22 blindness through education, nationally certified vision
23 screening and training, and community and patient service
24 programs:

25	\$	100,000
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26 DIVISION III

27 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

28 Sec. 9. 2011 Iowa Acts, chapter 129, section 115, subsection
29 1, is amended to read as follows:

30 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

31 For salaries, support, maintenance, and miscellaneous
32 purposes, including the war orphans educational assistance fund
33 created in section 35.8, and for not more than the following
34 full-time equivalent positions:

35	\$	499,416
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1 1,010,832
2 FTEs 16.34

3 IOWA VETERANS HOME APPROPRIATION

4 Sec. 10. 2011 Iowa Acts, chapter 129, section 115,
5 subsection 2, unnumbered paragraph 1, is amended to read as
6 follows:

7 For salaries, support, maintenance, and miscellaneous
8 purposes:

9 \$ ~~4,476,075~~
10 8,952,151

11 IOWA VETERANS HOME REQUIREMENTS

12 Sec. 11. 2011 Iowa Acts, chapter 129, section 115,
13 subsection 2, paragraphs a through c, are amended to read as
14 follows:

15 a. The Iowa veterans home billings involving the department
16 of human services shall be submitted to the department on at
17 least a monthly basis.

18 b. If there is a change in the employer of employees
19 providing services at the Iowa veterans home under a collective
20 bargaining agreement, such employees and the agreement shall
21 be continued by the successor employer as though there had not
22 been a change in employer.

23 c. Within available resources and in conformance with
24 associated state and federal program eligibility requirements,
25 the Iowa veterans home may implement measures to provide
26 financial assistance to or on behalf of veterans or their
27 spouses who are participating in the community reentry program.

28 Sec. 12. 2011 Iowa Acts, chapter 129, section 115,
29 subsection 3, is amended to read as follows:

30 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED
31 VETERANS

32 For provision of educational assistance pursuant to section
33 35.9:

34 \$ ~~6,208~~
35 12,416

1 Sec. 13. 2011 Iowa Acts, chapter 129, section 115, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 4. HOME OWNERSHIP ASSISTANCE PROGRAM

4 For transfer to the Iowa finance authority for the
5 continuation of the home ownership assistance program for
6 persons who are or were eligible members of the armed forces of
7 the United States, pursuant to section 16.54:

8 \$ 1,600,000

9 Sec. 14. 2011 Iowa Acts, chapter 129, section 116, is
10 amended to read as follows:

11 SEC. 116. LIMITATION OF COUNTY COMMISSION OF VETERANS
12 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
13 standing appropriation in the following designated section for
14 the fiscal year beginning July 1, 2012, and ending June 30,
15 2013, the amounts appropriated from the general fund of the
16 state pursuant to that section for the following designated
17 purposes shall not exceed the following amount:

18 For the county commissions of veterans affairs fund under
19 section 35A.16:

20 \$ 495,000
21 990,000

22 DIVISION IV

23 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

24 Sec. 15. 2011 Iowa Acts, chapter 129, section 117, is
25 amended to read as follows:

26 SEC. 117. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
27 GRANT. There is appropriated from the fund created in section
28 8.41 to the department of human services for the fiscal year
29 beginning July 1, 2012, and ending June 30, 2013, from moneys
30 received under the federal temporary assistance for needy
31 families (TANF) block grant pursuant to the federal Personal
32 Responsibility and Work Opportunity Reconciliation Act of 1996,
33 Pub. L. No. 104-193, and successor legislation, and from moneys
34 received under the emergency contingency fund for temporary
35 assistance for needy families state program established

1 pursuant to the federal American Recovery and Reinvestment Act
2 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
3 the following amounts, or so much thereof as is necessary, to
4 be used for the purposes designated:

5 1. To be credited to the family investment program account
6 and used for assistance under the family investment program
7 under chapter 239B:

8 \$ ~~10,750,369~~
9 19,790,365

10 2. To be credited to the family investment program account
11 and used for the job opportunities and basic skills (JOBS)
12 program and implementing family investment agreements in
13 accordance with chapter 239B:

14 \$ ~~6,205,764~~
15 12,411,528

16 3. To be used for the family development and
17 self-sufficiency grant program in accordance with section
18 216A.107:

19 \$ ~~1,449,490~~
20 2,898,980

21 Notwithstanding section 8.33, moneys appropriated in this
22 subsection that remain unencumbered or unobligated at the close
23 of the fiscal year shall not revert but shall remain available
24 for expenditure for the purposes designated until the close of
25 the succeeding fiscal year. However, unless such moneys are
26 encumbered or obligated on or before September 30, 2013, the
27 moneys shall revert.

28 4. For field operations:

29 \$ ~~15,648,116~~
30 31,296,232

31 5. For general administration:

32 \$ ~~1,872,000~~
33 3,744,000

34 6. For state child care assistance:

35 \$ ~~8,191,343~~

16,382,687

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-fourth General Assembly, 2012 Session, for the federal fiscal year beginning October 1, 2012, and ending September 30, 2013, pursuant to 2011 Iowa Acts, chapter 126, section 32. Of this amount, \$100,000 \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For distribution to counties for state case services for persons with mental health and illness, intellectual disability, or a developmental disabilities community services disability in accordance with section 331.440:

..... \$ 2,447,026
4,894,052

8. For child and family services:

..... \$ 16,042,215
32,084,430

9. For child abuse prevention grants:

..... \$ 62,500
125,000

10. For pregnancy prevention grants ~~on the condition that family planning services are funded:~~

..... \$ 965,033
1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2012, if the programs have demonstrated positive outcomes. Grants shall be awarded to

1 pregnancy prevention programs which are developed after July
2 1, 2012, if the programs are based on existing models that
3 have demonstrated positive outcomes. Grants shall comply with
4 the requirements provided in 1997 Iowa Acts, chapter 208,
5 section 14, subsections 1 and 2, including the requirement that
6 grant programs must emphasize sexual abstinence. Priority in
7 the awarding of grants shall be given to programs that serve
8 areas of the state which demonstrate the highest percentage of
9 unplanned pregnancies of females of childbearing age within the
10 geographic area to be served by the grant.

11 11. For technology needs and other resources necessary
12 to meet federal welfare reform reporting, tracking, and case
13 management requirements:

14 \$ 518,593
15 1,037,186

16 12. To be credited to the state child care assistance
17 appropriation made in this section to be used for funding of
18 community-based early childhood programs targeted to children
19 from birth through five years of age developed by early
20 childhood Iowa areas as provided in section 256I.11:

21 \$ 3,175,000
22 6,350,000

23 The department shall transfer TANF block grant funding
24 appropriated and allocated in this subsection to the child care
25 and development block grant appropriation in accordance with
26 federal law as necessary to comply with the provisions of this
27 subsection.

28 13. a. Notwithstanding any provision to the contrary,
29 including but not limited to requirements in section 8.41 or
30 provisions in 2011 or 2012 Iowa Acts regarding the receipt
31 and appropriation of federal block grants, federal funds
32 from the ~~emergency contingency fund for temporary assistance~~
33 ~~for needy families state program established pursuant to the~~
34 ~~federal American Recovery and Reinvestment Act of 2009, Pub.~~
35 ~~L. No. 111-5 § 2101,~~ block grant received by the state during

1 ~~the fiscal year beginning July 1, 2011, and ending June 30,~~
2 ~~2012,~~ not otherwise appropriated in this section and remaining
3 available ~~as of~~ for the fiscal year beginning July 1, 2012, and
4 ~~received by the state during the fiscal year beginning July~~
5 ~~1, 2012, and ending June 30, 2013,~~ are appropriated to the
6 department of human services to the extent as may be necessary
7 to be used in the following priority order: the family
8 investment program for the fiscal year and for state child care
9 assistance program payments for individuals enrolled in the
10 family investment program who are employed. The federal funds
11 appropriated in this paragraph "a" shall be expended only after
12 all other funds appropriated in subsection 1 for the assistance
13 under the family investment program under chapter 239B have
14 been expended.

15 b. The department shall, on a quarterly basis, advise the
16 legislative services agency and department of management of
17 the amount of funds appropriated in this subsection that was
18 expended in the prior quarter.

19 14. Of the amounts appropriated in this section, ~~\$6,481,004~~
20 \$12,962,008 for the fiscal year beginning July 1, 2012, shall
21 be transferred to the appropriation of the federal social
22 services block grant made for that fiscal year.

23 15. For continuation of the program allowing the department
24 to maintain categorical eligibility for the food assistance
25 program as required under the section of this division relating
26 to the family investment account:

27 \$ 73,036
28 25,000

29 16. The department may transfer funds allocated in this
30 section to the appropriations made in this division of this Act
31 for general administration and field operations for resources
32 necessary to implement and operate the services referred to in
33 this section and those funded in the appropriation made in this
34 division of this Act for the family investment program from the
35 general fund of the state.

1 Sec. 16. 2011 Iowa Acts, chapter 129, section 118, is
2 amended to read as follows:

3 SEC. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

4 1. Moneys credited to the family investment program (FIP)
5 account for the fiscal year beginning July 1, 2012, and
6 ending June 30, 2013, shall be used to provide assistance in
7 accordance with chapter 239B.

8 2. The department may use a portion of the moneys credited
9 to the FIP account under this section as necessary for
10 salaries, support, maintenance, and miscellaneous purposes.

11 3. The department may transfer funds allocated in this
12 section to the appropriations in this division of this Act
13 for general administration and field operations for resources
14 necessary to implement and operate the services referred to in
15 this section and those funded in the appropriation made in this
16 division of this Act for the family investment program from the
17 general fund of the state.

18 4. Moneys appropriated in this division of this Act and
19 credited to the FIP account for the fiscal year beginning July
20 1, 2012, and ending June 30, 2013, are allocated as follows:

21 a. To be retained by the department of human services to
22 be used for coordinating with the department of human rights
23 to more effectively serve participants in the FIP program and
24 other shared clients and to meet federal reporting requirements
25 under the federal temporary assistance for needy families block
26 grant:

27	\$	10,000
28		<u>20,000</u>

29 b. To the department of human rights for staffing,
30 administration, and implementation of the family development
31 and self-sufficiency grant program in accordance with section
32 216A.107:

33	\$	2,671,417
34		<u>5,342,834</u>

35 (1) Of the funds allocated for the family development and

1 self-sufficiency grant program in this lettered paragraph,
2 not more than 5 percent of the funds shall be used for the
3 administration of the grant program.

4 (2) The department of human rights may continue to implement
5 the family development and self-sufficiency grant program
6 statewide during fiscal year 2012-2013.

7 c. For the diversion subaccount of the FIP account:

8	\$	849,200
9		<u>1,698,400</u>

10 A portion of the moneys allocated for the subaccount may
11 be used for field operations salaries, data management system
12 development, and implementation costs and support deemed
13 necessary by the director of human services in order to
14 administer the FIP diversion program.

15 d. For the food stamp employment and training program:

16	\$	33,294
17		<u>66,588</u>

18 (1) The department shall amend the food stamp employment and
19 training state plan in order to maximize to the fullest extent
20 permitted by federal law the use of the 50-50 match provisions
21 for the claiming of allowable federal matching funds from the
22 United States department of agriculture pursuant to the federal
23 food stamp employment and training program for providing
24 education, employment, and training services for eligible food
25 assistance program participants, including but not limited to
26 related dependent care and transportation expenses.

27 (2) The department shall continue the categorical federal
28 food assistance program eligibility at 160 percent of the
29 federal poverty level and continue to eliminate the asset test
30 from eligibility requirements, consistent with federal food
31 assistance program requirements. The department shall include
32 as many food assistance households as is allowed by federal
33 law. The eligibility provisions shall conform to all federal
34 requirements including requirements addressing individuals who
35 are incarcerated or otherwise ineligible.

1 e. For the JOBS program:

2 \$ ~~10,117,952~~
3 20,235,905

4 5. Of the child support collections assigned under FIP,
5 an amount equal to the federal share of support collections
6 shall be credited to the child support recovery appropriation
7 made in this division of this Act. Of the remainder of the
8 assigned child support collections received by the child
9 support recovery unit, a portion shall be credited to the FIP
10 account, a portion may be used to increase recoveries, and a
11 portion may be used to sustain cash flow in the child support
12 payments account. If as a consequence of the appropriations
13 and allocations made in this section the resulting amounts
14 are insufficient to sustain cash assistance payments and meet
15 federal maintenance of effort requirements, the department
16 shall seek supplemental funding. If child support collections
17 assigned under FIP are greater than estimated or are otherwise
18 determined not to be required for maintenance of effort, the
19 state share of either amount may be transferred to or retained
20 in the child support payment account.

21 6. The department may adopt emergency rules for the family
22 investment, JOBS, food stamp, and medical assistance programs
23 if necessary to comply with federal requirements.

24 Sec. 17. 2011 Iowa Acts, chapter 129, section 119, is
25 amended to read as follows:

26 SEC. 119. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
27 is appropriated from the general fund of the state to the
28 department of human services for the fiscal year beginning July
29 1, 2012, and ending June 30, 2013, the following amount, or
30 so much thereof as is necessary, to be used for the purpose
31 designated:

32 To be credited to the family investment program (FIP)
33 account and used for family investment program assistance under
34 chapter 239B:

35 \$ ~~25,085,513~~

51,581,161

1
2 1. Of the funds appropriated in this section, ~~\$3,912,188~~
3 \$7,824,377 is allocated for the JOBS program.
4 2. Of the funds appropriated in this section, ~~\$1,231,927~~
5 \$2,463,854 is allocated for the family development and
6 self-sufficiency grant program.
7 3. Notwithstanding section 8.39, for the fiscal year
8 beginning July 1, 2012, if necessary to meet federal
9 maintenance of effort requirements or to transfer federal
10 temporary assistance for needy families block grant funding
11 to be used for purposes of the federal social services block
12 grant or to meet cash flow needs resulting from delays in
13 receiving federal funding or to implement, in accordance with
14 this division of this Act, activities currently funded with
15 juvenile court services, county, or community moneys and state
16 moneys used in combination with such moneys, the department
17 of human services may transfer funds within or between any
18 of the appropriations made in this division of this Act and
19 appropriations in law for the federal social services block
20 grant to the department for the following purposes, provided
21 that the combined amount of state and federal temporary
22 assistance for needy families block grant funding for each
23 appropriation remains the same before and after the transfer:
24 a. For the family investment program.
25 b. For child care assistance.
26 c. For child and family services.
27 d. For field operations.
28 e. For general administration.
29 f. ~~MH/MR/DD/BI community services (local purchase)~~
30 For distribution to counties for state case services for
31 persons with mental illness, intellectual disability, or a
32 developmental disability in accordance with section 331.440.
33 This subsection shall not be construed to prohibit the use
34 of existing state transfer authority for other purposes. The
35 department shall report any transfers made pursuant to this

1 subsection to the legislative services agency.

2 4. Of the funds appropriated in this section, ~~\$97,839~~
3 \$195,678 shall be used for continuation of a grant to an
4 Iowa-based nonprofit organization with a history of providing
5 tax preparation assistance to low-income Iowans in order to
6 expand the usage of the earned income tax credit. The purpose
7 of the grant is to supply this assistance to underserved areas
8 of the state.

9 5. The department may transfer funds appropriated in this
10 section to the appropriations made in this division of this Act
11 for general administration and field operations as necessary
12 to administer this section and the overall family investment
13 program.

14 Sec. 18. 2011 Iowa Acts, chapter 129, section 120, is
15 amended to read as follows:

16 SEC. 120. CHILD SUPPORT RECOVERY. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2012, and ending
19 June 30, 2013, the following amount, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 For child support recovery, including salaries, support,
22 maintenance, and miscellaneous purposes, and for not more than
23 the following full-time equivalent positions:

24	\$ 6,559,627
25	<u>13,377,993</u>
26	FTEs 475.00

27 1. The department shall expend up to ~~\$12,164~~ \$24,329,
28 including federal financial participation, for the fiscal year
29 beginning July 1, 2012, for a child support public awareness
30 campaign. The department and the office of the attorney
31 general shall cooperate in continuation of the campaign. The
32 public awareness campaign shall emphasize, through a variety
33 of media activities, the importance of maximum involvement of
34 both parents in the lives of their children as well as the
35 importance of payment of child support obligations.

1 2. Federal access and visitation grant moneys shall be
2 issued directly to private not-for-profit agencies that provide
3 services designed to increase compliance with the child access
4 provisions of court orders, including but not limited to
5 neutral visitation sites and mediation services.

6 3. The appropriation made to the department for child
7 support recovery may be used throughout the fiscal year in the
8 manner necessary for purposes of cash flow management, and for
9 cash flow management purposes the department may temporarily
10 draw more than the amount appropriated, provided the amount
11 appropriated is not exceeded at the close of the fiscal year.

12 4. With the exception of the funding amount specified, the
13 requirements established under 2001 Iowa Acts, chapter 191,
14 section 3, subsection 5, paragraph "c", subparagraph (3), shall
15 be applicable to parental obligation pilot projects for the
16 fiscal year beginning July 1, 2012, and ending June 30, 2013.
17 Notwithstanding 441 IAC 100.8, providing for termination of
18 rules relating to the pilot projects, the rules shall remain
19 in effect until June 30, 2013.

20 Sec. 19. 2011 Iowa Acts, chapter 129, section 121, is
21 amended to read as follows:

22 SEC. 121. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any
23 funds remaining in the health care trust fund created in
24 section 453A.35A for the fiscal year beginning July 1, 2012,
25 and ending June 30, 2013, are appropriated to the department
26 of human services to supplement the medical assistance program
27 appropriations made in this Act, for medical assistance
28 reimbursement and associated costs, including program
29 administration and costs associated with implementation.

30 Sec. 20. 2011 Iowa Acts, chapter 129, section 122, is
31 amended to read as follows:

32 SEC. 122. MEDICAL ASSISTANCE. There is appropriated from
33 the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 2012, and ending
35 June 30, 2013, the following amount, or so much thereof as is

1 necessary, to be used for the purpose designated:

2 For medical assistance program reimbursement and associated
3 costs as specifically provided in the reimbursement
4 methodologies in effect on June 30, 2012, except as otherwise
5 expressly authorized by law, and consistent with options under
6 federal law and regulations:

7 \$914,993,421
8 958,750,766

9 1. Iowans support reducing the number of abortions
10 performed in our state. For an abortion covered under the
11 program, except in the case of a medical emergency, as defined
12 in section 135L.1, for any woman, the physician shall certify
13 both of the following:

14 a. That the woman has been given the opportunity to view an
15 ultrasound image of the fetus as part of the standard of care
16 before an abortion is performed.

17 b. That the woman has been provided information regarding
18 the options relative to a pregnancy, including continuing the
19 pregnancy to term and retaining parental rights following the
20 child's birth, continuing the pregnancy to term and placing the
21 child for adoption, and terminating the pregnancy.

22 2. The department shall utilize not more than \$60,000 of
23 the funds appropriated in this section to continue the AIDS/HIV
24 health insurance premium payment program as established in 1992
25 Iowa Acts, Second Extraordinary Session, chapter 1001, section
26 409, subsection 6. Of the funds allocated in this subsection,
27 not more than \$5,000 may be expended for administrative
28 purposes.

29 3. Of the funds appropriated in this Act to the department
30 of public health for addictive disorders, \$950,000 for the
31 fiscal year beginning July 1, 2012, shall be transferred to
32 the department of human services for an integrated substance
33 abuse managed care system. The department shall not assume
34 management of the substance abuse system in place of the
35 managed care contractor unless such a change in approach is

1 specifically authorized in law. The departments of human
2 services and public health shall work together to maintain
3 the level of mental health and substance abuse services
4 provided by the managed care contractor through the Iowa plan
5 for behavioral health. Each department shall take the steps
6 necessary to continue the federal waivers as necessary to
7 maintain the level of services.

8 4. a. The department shall aggressively pursue options for
9 providing medical assistance or other assistance to individuals
10 with special needs who become ineligible to continue receiving
11 services under the early and periodic screening, diagnostic,
12 and treatment program under the medical assistance program
13 due to becoming 21 years of age who have been approved for
14 additional assistance through the department's exception to
15 policy provisions, but who have health care needs in excess
16 of the funding available through the exception to policy
17 provisions.

18 b. Of the funds appropriated in this section, \$100,000
19 shall be used for participation in one or more pilot projects
20 operated by a private provider to allow the individual or
21 individuals to receive service in the community in accordance
22 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
23 (1999), for the purpose of providing medical assistance or
24 other assistance to individuals with special needs who become
25 ineligible to continue receiving services under the early and
26 periodic screening, diagnosis, and treatment program under
27 the medical assistance program due to becoming 21 years of
28 age who have been approved for additional assistance through
29 the department's exception to policy provisions, but who have
30 health care needs in excess of the funding available through
31 the exception to the policy provisions.

32 5. Of the funds appropriated in this section, up to
33 \$3,050,082 may be transferred to the field operations
34 or general administration appropriations in this Act for
35 operational costs associated with Part D of the federal

1 Medicare Prescription Drug Improvement and Modernization Act
2 of 2003, Pub. L. No. 108-173.

3 6. Of the funds appropriated in this section, up to \$442,100
4 may be transferred to the appropriation in this division
5 of this Act for medical contracts to be used for clinical
6 assessment services and prior authorization of services.

7 7. A portion of the funds appropriated in this section
8 may be transferred to the appropriations in this division of
9 this Act for general administration, medical contracts, the
10 children's health insurance program, or field operations to be
11 used for the state match cost to comply with the payment error
12 rate measurement (PERM) program for both the medical assistance
13 and children's health insurance programs as developed by the
14 centers for Medicare and Medicaid services of the United States
15 department of health and human services to comply with the
16 federal Improper Payments Information Act of 2002, Pub. L. No.
17 107-300.

18 8. It is the intent of the general assembly that the
19 department continue to implement the recommendations of
20 the assuring better child health and development initiative
21 II (ABCDII) clinical panel to the Iowa early and periodic
22 screening, diagnostic, and treatment services healthy mental
23 development collaborative board regarding changes to billing
24 procedures, codes, and eligible service providers.

25 9. Of the funds appropriated in this section, a sufficient
26 amount is allocated to supplement the incomes of residents of
27 nursing facilities, intermediate care facilities for persons
28 with mental illness, and intermediate care facilities for
29 persons with mental retardation, with incomes of less than \$50
30 in the amount necessary for the residents to receive a personal
31 needs allowance of \$50 per month pursuant to section 249A.30A.

32 10. Of the funds appropriated in this section, the following
33 amounts shall be transferred to the appropriations made in this
34 division of this Act for the state mental health institutes:

35 a. Cherokee mental health institute \$ 9,098,425

- 1 b. Clarinda mental health institute \$ 1,977,305
- 2 c. Independence mental health institute \$ 9,045,894
- 3 d. Mount Pleasant mental health institute \$ 5,752,587

4 11. a. Of the funds appropriated in this section,
5 ~~\$7,425,684~~ \$7,678,245 is allocated for the state match for
6 a disproportionate share hospital payment of \$19,133,430
7 to hospitals that meet both of the conditions specified
8 in subparagraphs (1) and (2). In addition, the hospitals
9 that meet the conditions specified shall either certify
10 public expenditures or transfer to the medical assistance
11 program an amount equal to provide the nonfederal share for a
12 disproportionate share hospital payment of \$7,500,000. The
13 hospitals that meet the conditions specified shall receive and
14 retain 100 percent of the total disproportionate share hospital
15 payment of \$26,633,430.

16 (1) The hospital qualifies for disproportionate share and
17 graduate medical education payments.

18 (2) The hospital is an Iowa state-owned hospital with more
19 than 500 beds and eight or more distinct residency specialty
20 or subspecialty programs recognized by the American college of
21 graduate medical education.

22 b. Distribution of the disproportionate share payments
23 shall be made on a monthly basis. The total amount of
24 disproportionate share payments including graduate medical
25 education, enhanced disproportionate share, and Iowa
26 state-owned teaching hospital payments shall not exceed the
27 amount of the state's allotment under Pub. L. No. 102-234.
28 In addition, the total amount of all disproportionate
29 share payments shall not exceed the hospital-specific
30 disproportionate share limits under Pub. L. No. 103-66.

31 12. The university of Iowa hospitals and clinics shall
32 either certify public expenditures or transfer to the medical
33 assistance appropriation an amount equal to provide the
34 nonfederal share for increased medical assistance payments for
35 inpatient and outpatient hospital services of \$9,900,000. The

1 university of Iowa hospitals and clinics shall receive and
2 retain 100 percent of the total increase in medical assistance
3 payments.

4 13. Of the funds appropriated in this section, up to
5 ~~\$4,480,304~~ \$8,684,329 may be transferred to the IowaCare
6 account created in section 249J.24.

7 14. Of the funds appropriated in this section, \$200,000
8 shall be used for the Iowa chronic care consortium pursuant to
9 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
10 Iowa Acts, chapter 179, sections 166 and 167.

11 15. One hundred percent of the nonfederal share of payments
12 to area education agencies that are medical assistance
13 providers for medical assistance-covered services provided to
14 medical assistance-covered children, shall be made from the
15 appropriation made in this section.

16 16. Any new or renewed contract entered into by the
17 department with a third party to administer behavioral health
18 services under the medical assistance program shall provide
19 that any interest earned on payments from the state during
20 the state fiscal year shall be remitted to the department
21 and treated as recoveries to offset the costs of the medical
22 assistance program.

23 17. The department shall continue to implement the
24 provisions in 2007 Iowa Acts, chapter 218, section 124 and
25 section 126, as amended by 2008 Iowa Acts, chapter 1188,
26 section 55, relating to eligibility for certain persons with
27 disabilities under the medical assistance program in accordance
28 with the federal Family Opportunity Act.

29 18. A portion of the funds appropriated in this section
30 may be transferred to the appropriation in this division of
31 this Act for medical contracts to be used for administrative
32 activities associated with the money follows the person
33 demonstration project.

34 19. Of the funds appropriated in this section, \$349,011
35 shall be used for the administration of the health insurance

1 premium payment program, including salaries, support,
2 maintenance, and miscellaneous purposes for the fiscal year
3 beginning July 1, 2012.

4 20. a. The department may continue to implement cost
5 containment strategies recommended by the governor, ~~and for~~
6 the fiscal year beginning July 1, 2011, and shall implement
7 new strategies for the fiscal year beginning July 1, 2012, as
8 specified in this division of this 2012 Act. The department
9 may adopt emergency rules for such implementation.

10 b. The department shall not implement the cost containment
11 strategy to require a primary care referral for the provision
12 of chiropractic services.

13 c. The department may increase the amounts allocated for
14 salaries, support, maintenance, and miscellaneous purposes
15 associated with the medical assistance program, as necessary,
16 to implement the cost containment strategies. The department
17 shall report any such increase to the legislative services
18 agency and the department of management.

19 d. If the savings to the medical assistance program for
20 the fiscal year beginning July 1, 2012, exceed the cost, the
21 department may transfer any savings generated for the fiscal
22 year due to medical assistance program cost containment efforts
23 initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive
24 Order No. 20, issued December 16, 2009, or cost containment
25 strategies initiated pursuant to this subsection, to the
26 appropriation made in this division of this Act for medical
27 contracts or general administration to defray the increased
28 contract costs associated with implementing such efforts.

29 e. The department shall report the implementation of
30 any cost containment strategies under this subsection to
31 the individuals specified in this division of this Act for
32 submission of reports on a quarterly basis.

33 21. Notwithstanding any provision of law to the contrary,
34 the department of human services shall continue implementation
35 of the amended section 1915(b) waiver and Iowa plan contract

1 for inclusion of remedial services under the Iowa plan contract
2 for the fiscal year beginning July 1, 2012.

3 22. a. Of the funds appropriated in this section,
4 \$5,000,000 shall be used to continue the reduction in
5 the waiting lists of these medical assistance home and
6 community-based services waivers implemented pursuant to this
7 Act for 2011-2012: the waiver for persons with intellectual
8 disabilities, the waiver for persons with brain injury, and the
9 children's mental health waiver.

10 b. In addition to the funds allocated in paragraph "a",
11 \$5,000,000 of the funds appropriated in this section shall
12 be used to implement reductions in the waiting lists of all
13 medical assistance home and community-based services waivers.

14 Sec. 21. 2011 Iowa Acts, chapter 129, section 122, is
15 amended by adding the following new subsections:

16 NEW SUBSECTION. 23. The department shall align
17 reimbursement for prescription drugs administered by a
18 physician to be equivalent to the reimbursement for the same
19 prescription drug when dispensed by a pharmacy.

20 NEW SUBSECTION. 24. The department shall implement a
21 hospital inpatient reimbursement policy to provide for the
22 combining of an original claim for an inpatient stay with a
23 claim for a subsequent inpatient stay when the patient is
24 admitted within seven days of discharge from the original
25 hospital stay for the same condition.

26 NEW SUBSECTION. 25. The department shall implement a
27 policy to ensure that reimbursement for Medicare Part A and
28 Medicare Part B crossover claims is limited to the Medicaid
29 reimbursement rate.

30 NEW SUBSECTION. 26. The department shall transition
31 payment for and administration of services provided by
32 psychiatric medical institutions for children to the Iowa plan.

33 Sec. 22. 2011 Iowa Acts, chapter 129, section 123, is
34 amended to read as follows:

35 SEC. 123. MEDICAL CONTRACTS. There is appropriated from the

1 general fund of the state to the department of human services
2 for the fiscal year beginning July 1, 2012, and ending June 30,
3 2013, the following amount, or so much thereof as is necessary,
4 to be used for the purpose designated:

5 For medical contracts:

6	\$	5,453,728
7		<u>8,460,680</u>

8 1. The department of inspections and appeals shall
9 provide all state matching funds for survey and certification
10 activities performed by the department of inspections
11 and appeals. The department of human services is solely
12 responsible for distributing the federal matching funds for
13 such activities.

14 2. Of the funds appropriated in this section, ~~\$25,000~~
15 \$50,000 shall be used for continuation of home and
16 community-based services waiver quality assurance programs,
17 including the review and streamlining of processes and policies
18 related to oversight and quality management to meet state and
19 federal requirements.

20 3. Of the amount appropriated in this section, up to
21 \$200,000 may be transferred to the appropriation for general
22 administration in this division of this Act to be used for
23 additional full-time equivalent positions in the development of
24 key health initiatives such as cost containment, development
25 and oversight of managed care programs, and development of
26 health strategies targeted toward improved quality and reduced
27 costs in the Medicaid program.

28 Sec. 23. 2011 Iowa Acts, chapter 129, section 124, is
29 amended to read as follows:

30 SEC. 124. STATE SUPPLEMENTARY ASSISTANCE.

31 1. There is appropriated from the general fund of the
32 state to the department of human services for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purpose designated:

1 For the state supplementary assistance program:
 2 \$ ~~8,425,373~~
 3 16,850,747

4 2. The department shall increase the personal needs
 5 allowance for residents of residential care facilities by the
 6 same percentage and at the same time as federal supplemental
 7 security income and federal social security benefits are
 8 increased due to a recognized increase in the cost of living.
 9 The department may adopt emergency rules to implement this
 10 subsection.

11 3. If during the fiscal year beginning July 1, 2012,
 12 the department projects that state supplementary assistance
 13 expenditures for a calendar year will not meet the federal
 14 pass-through requirement specified in Tit. XVI of the federal
 15 Social Security Act, section 1618, as codified in 42 U.S.C.
 16 § 1382g, the department may take actions including but not
 17 limited to increasing the personal needs allowance for
 18 residential care facility residents and making programmatic
 19 adjustments or upward adjustments of the residential care
 20 facility or in-home health-related care reimbursement rates
 21 prescribed in this division of this Act to ensure that federal
 22 requirements are met. In addition, the department may make
 23 other programmatic and rate adjustments necessary to remain
 24 within the amount appropriated in this section while ensuring
 25 compliance with federal requirements. The department may adopt
 26 emergency rules to implement the provisions of this subsection.

27 Sec. 24. 2011 Iowa Acts, chapter 129, section 125, is
 28 amended to read as follows:

29 SEC. 125. CHILDREN'S HEALTH INSURANCE PROGRAM.

30 1. There is appropriated from the general fund of the
 31 state to the department of human services for the fiscal year
 32 beginning July 1, 2012, and ending June 30, 2013, the following
 33 amount, or so much thereof as is necessary, to be used for the
 34 purpose designated:

35 For maintenance of the healthy and well kids in Iowa (hawk-i)

1 program pursuant to chapter 514I, including supplemental dental
2 services, for receipt of federal financial participation under
3 Tit. XXI of the federal Social Security Act, which creates the
4 children's health insurance program:

5 \$ ~~16,403,051~~
6 40,400,160

7 2. Of the funds appropriated in this section, ~~\$64,475~~
8 \$141,450 is allocated for continuation of the contract for
9 outreach with the department of public health.

10 3. Notwithstanding section 514I.11, subsection 2, moneys
11 appropriated in this section that remain unencumbered or
12 unobligated at the close of the fiscal year shall revert to the
13 general fund of the state.

14 Sec. 25. 2011 Iowa Acts, chapter 129, section 126, is
15 amended to read as follows:

16 SEC. 126. CHILD CARE ASSISTANCE. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2012, and ending
19 June 30, 2013, the following amount, or so much thereof as is
20 necessary, to be used for the purpose designated:

21 For child care programs:

22 \$ ~~26,618,831~~
23 53,237,662

24 1. Of the funds appropriated in this section, ~~\$25,948,041~~
25 \$51,868,235 shall be used for state child care assistance in
26 accordance with section 237A.13.

27 2. Nothing in this section shall be construed or is
28 intended as or shall imply a grant of entitlement for services
29 to persons who are eligible for assistance due to an income
30 level consistent with the waiting list requirements of section
31 237A.13. Any state obligation to provide services pursuant to
32 this section is limited to the extent of the funds appropriated
33 in this section.

34 3. Of the funds appropriated in this section, ~~\$216,226~~
35 \$432,453 is allocated for the statewide program for child care

1 resource and referral services under section 237A.26. A list
2 of the registered and licensed child care facilities operating
3 in the area served by a child care resource and referral
4 service shall be made available to the families receiving state
5 child care assistance in that area.

6 4. Of the funds appropriated in this section, ~~\$468,487~~
7 \$936,974 is allocated for child care quality improvement
8 initiatives including but not limited to the voluntary quality
9 rating system in accordance with section 237A.30.

10 5. The department may use any of the funds appropriated
11 in this section as a match to obtain federal funds for use in
12 expanding child care assistance and related programs. For
13 the purpose of expenditures of state and federal child care
14 funding, funds shall be considered obligated at the time
15 expenditures are projected or are allocated to the department's
16 service areas. Projections shall be based on current and
17 projected caseload growth, current and projected provider
18 rates, staffing requirements for eligibility determination
19 and management of program requirements including data systems
20 management, staffing requirements for administration of the
21 program, contractual and grant obligations and any transfers
22 to other state agencies, and obligations for decategorization
23 or innovation projects.

24 6. A portion of the state match for the federal child care
25 and development block grant shall be provided as necessary to
26 meet federal matching funds requirements through the state
27 general fund appropriation made for child development grants
28 and other programs for at-risk children in section 279.51.

29 7. If a uniform reduction ordered by the governor under
30 section 8.31 or other operation of law, transfer, or federal
31 funding reduction reduces the appropriation made in this
32 section for the fiscal year, the percentage reduction in the
33 amount paid out to or on behalf of the families participating
34 in the state child care assistance program shall be equal to or
35 less than ~~the percentage reduction made for any other purpose~~

1 ~~payable from the appropriation made in this section and the~~
2 ~~federal funding relating to it. The percentage reduction to~~
3 ~~the other allocations made in this section shall be the same as~~
4 the uniform reduction ordered by the governor or the percentage
5 change of the federal funding reduction, as applicable.
6 If there is an unanticipated increase in federal funding
7 provided for state child care assistance, the entire amount
8 of the increase shall be used for state child care assistance
9 payments. If the appropriations made for purposes of the
10 state child care assistance program for the fiscal year are
11 determined to be insufficient, it is the intent of the general
12 assembly to appropriate sufficient funding for the fiscal year
13 in order to avoid establishment of waiting list requirements.

14 8. Notwithstanding section 8.33, moneys ~~appropriated~~
15 ~~in this section or~~ advanced for purposes of the programs
16 developed by early childhood Iowa areas, advanced for purposes
17 of wraparound child care, or received from the federal
18 appropriations made for the purposes of this section that
19 remain unencumbered or unobligated at the close of the fiscal
20 year shall not revert to any fund but shall remain available
21 for expenditure for the purposes designated until the close of
22 the succeeding fiscal year.

23 Sec. 26. 2011 Iowa Acts, chapter 129, section 127, is
24 amended to read as follows:

25 SEC. 127. JUVENILE INSTITUTIONS. There is appropriated
26 from the general fund of the state to the department of human
27 services for the fiscal year beginning July 1, 2012, and ending
28 June 30, 2013, the following amounts, or so much thereof as is
29 necessary, to be used for the purposes designated:

- 30 1. For operation of the Iowa juvenile home at Toledo and for
31 salaries, support, maintenance, and miscellaneous purposes, and
32 for not more than the following full-time equivalent positions:
- | | | |
|----------|------|------------------|
| 33 | \$ | 4,129,125 |
| 34 | | <u>8,328,264</u> |
| 35 | FTEs | 114.00 |

1 2. For operation of the state training school at Eldora and
2 for salaries, support, maintenance, and miscellaneous purposes,
3 and for not more than the following full-time equivalent
4 positions:

5	\$	5,319,338
6		<u>10,740,988</u>
7	FTEs	164.30

8 Of the funds appropriated in this subsection, ~~\$45,575~~
9 \$91,150 shall be used for distribution to licensed classroom
10 teachers at this and other institutions under the control of
11 the department of human services based upon the average student
12 yearly enrollment at each institution as determined by the
13 department.

14 3. A portion of the moneys appropriated in this section
15 shall be used by the state training school and by the Iowa
16 juvenile home for grants for adolescent pregnancy prevention
17 activities at the institutions in the fiscal year beginning
18 July 1, 2012.

19 Sec. 27. 2011 Iowa Acts, chapter 129, section 128, is
20 amended to read as follows:

21 SEC. 128. CHILD AND FAMILY SERVICES.

22 1. There is appropriated from the general fund of the
23 state to the department of human services for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purpose designated:

27 For child and family services:

28	\$	41,415,081
29		<u>79,941,095</u>

30 2. In order to address a reduction of \$5,200,000 from the
31 amount allocated under the appropriation made for the purposes
32 of this section in prior years for purposes of juvenile
33 delinquent graduated sanction services, up to ~~\$2,600,000~~
34 \$5,200,000 of the amount of federal temporary assistance
35 for needy families block grant funding appropriated in this

1 division of this Act for child and family services shall be
2 made available for purposes of juvenile delinquent graduated
3 sanction services.

4 3. The department may transfer funds appropriated in this
5 section as necessary to pay the nonfederal costs of services
6 reimbursed under the medical assistance program, state child
7 care assistance program, or the family investment program which
8 are provided to children who would otherwise receive services
9 paid under the appropriation in this section. The department
10 may transfer funds appropriated in this section to the
11 appropriations made in this division of this Act for general
12 administration and for field operations for resources necessary
13 to implement and operate the services funded in this section.

14 4. a. Of the funds appropriated in this section, up
15 to ~~\$15,084,564~~ \$30,235,574 is allocated as the statewide
16 expenditure target under section 232.143 for group foster care
17 maintenance and services. If the department projects that such
18 expenditures for the fiscal year will be less than the target
19 amount allocated in this lettered paragraph, the department may
20 reallocate the excess to provide additional funding for shelter
21 care or the child welfare emergency services addressed with the
22 allocation for shelter care.

23 b. If at any time after September 30, 2012, annualization
24 of a service area's current expenditures indicates a service
25 area is at risk of exceeding its group foster care expenditure
26 target under section 232.143 by more than 5 percent, the
27 department and juvenile court services shall examine all
28 group foster care placements in that service area in order to
29 identify those which might be appropriate for termination.
30 In addition, any aftercare services believed to be needed
31 for the children whose placements may be terminated shall be
32 identified. The department and juvenile court services shall
33 initiate action to set dispositional review hearings for the
34 placements identified. In such a dispositional review hearing,
35 the juvenile court shall determine whether needed aftercare

1 services are available and whether termination of the placement
2 is in the best interest of the child and the community.

3 5. In accordance with the provisions of section 232.188,
4 the department shall continue the child welfare and juvenile
5 justice funding initiative during fiscal year 2012-2013. Of
6 the funds appropriated in this section, ~~\$858,876~~ \$1,717,753
7 is allocated specifically for expenditure for fiscal year
8 2012-2013 through the decategorization service funding pools
9 and governance boards established pursuant to section 232.188.

10 6. A portion of the funds appropriated in this section
11 may be used for emergency family assistance to provide other
12 resources required for a family participating in a family
13 preservation or reunification project or successor project to
14 stay together or to be reunified.

15 7. Notwithstanding section 234.35 or any other provision
16 of law to the contrary, state funding for shelter care and
17 the child welfare emergency services contracting implemented
18 to provide for or prevent the need for shelter care shall be
19 limited to ~~\$3,585,058~~ \$7,556,372. The department may continue
20 or execute contracts that result from the department's request
21 for proposal, bid number ACFS-11-114, to provide the range of
22 child welfare emergency services described in the request for
23 proposals, and any subsequent amendments to the request for
24 proposals.

25 8. Federal funds received by the state during the fiscal
26 year beginning July 1, 2012, as the result of the expenditure
27 of state funds appropriated during a previous state fiscal
28 year for a service or activity funded under this section are
29 appropriated to the department to be used as additional funding
30 for services and purposes provided for under this section.
31 Notwithstanding section 8.33, moneys received in accordance
32 with this subsection that remain unencumbered or unobligated at
33 the close of the fiscal year shall not revert to any fund but
34 shall remain available for the purposes designated until the
35 close of the succeeding fiscal year.

1 ~~9. Of the funds appropriated in this section, at least~~
2 ~~\$1,848,142 shall be used for protective child care assistance.~~

3 10. a. Of the funds appropriated in this section, up to
4 ~~\$1,031,244~~ \$2,062,488 is allocated for the payment of the
5 expenses of court-ordered services provided to juveniles who
6 are under the supervision of juvenile court services, which
7 expenses are a charge upon the state pursuant to section
8 232.141, subsection 4. Of the amount allocated in this
9 lettered paragraph, up to ~~\$778,143~~ \$1,556,287 shall be made
10 available to provide school-based supervision of children
11 adjudicated under chapter 232, of which not more than ~~\$7,500~~
12 \$15,000 may be used for the purpose of training. A portion of
13 the cost of each school-based liaison officer shall be paid by
14 the school district or other funding source as approved by the
15 chief juvenile court officer.

16 b. Of the funds appropriated in this section, up to ~~\$374,492~~
17 \$748,985 is allocated for the payment of the expenses of
18 court-ordered services provided to children who are under the
19 supervision of the department, which expenses are a charge upon
20 the state pursuant to section 232.141, subsection 4.

21 c. Notwithstanding section 232.141 or any other provision
22 of law to the contrary, the amounts allocated in this
23 subsection shall be distributed to the judicial districts
24 as determined by the state court administrator and to the
25 department's service areas as determined by the administrator
26 of the department's division of child and family services. The
27 state court administrator and the division administrator shall
28 make the determination of the distribution amounts on or before
29 June 15, 2012.

30 d. Notwithstanding chapter 232 or any other provision of
31 law to the contrary, a district or juvenile court shall not
32 order any service which is a charge upon the state pursuant
33 to section 232.141 if there are insufficient court-ordered
34 services funds available in the district court or departmental
35 service area distribution amounts to pay for the service. The

1 chief juvenile court officer and the departmental service area
2 manager shall encourage use of the funds allocated in this
3 subsection such that there are sufficient funds to pay for
4 all court-related services during the entire year. The chief
5 juvenile court officers and departmental service area managers
6 shall attempt to anticipate potential surpluses and shortfalls
7 in the distribution amounts and shall cooperatively request the
8 state court administrator or division administrator to transfer
9 funds between the judicial districts' or departmental service
10 areas' distribution amounts as prudent.

11 e. Notwithstanding any provision of law to the contrary,
12 a district or juvenile court shall not order a county to pay
13 for any service provided to a juvenile pursuant to an order
14 entered under chapter 232 which is a charge upon the state
15 under section 232.141, subsection 4.

16 f. Of the funds allocated in this subsection, not more
17 than ~~\$41,500~~ \$83,000 may be used by the judicial branch for
18 administration of the requirements under this subsection.

19 g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000
20 shall be used by the department of human services to support
21 the interstate commission for juveniles in accordance with
22 the interstate compact for juveniles as provided in section
23 232.173.

24 11. Of the funds appropriated in this section, ~~\$2,961,301~~
25 \$5,922,602 is allocated for juvenile delinquent graduated
26 sanctions services. Any state funds saved as a result of
27 efforts by juvenile court services to earn federal Tit. IV-E
28 match for juvenile court services administration may be used
29 for the juvenile delinquent graduated sanctions services.

30 12. Of the funds appropriated in this section, ~~\$494,142~~
31 \$988,285 shall be transferred to the department of public
32 health to be used for the child protection center grant program
33 in accordance with section 135.118.

34 13. If the department receives federal approval to
35 implement a waiver under Tit. IV-E of the federal Social

1 Security Act to enable providers to serve children who remain
2 in the children's families and communities, for purposes of
3 eligibility under the medical assistance program, children who
4 participate in the waiver shall be considered to be placed in
5 foster care.

6 14. Of the funds appropriated in this section, ~~\$1,534,916~~
7 \$3,092,375 is allocated for the preparation for adult living
8 program pursuant to section 234.46.

9 15. Of the funds appropriated in this section, ~~\$260,075~~
10 \$520,150 shall be used for juvenile drug courts. The amount
11 allocated in this subsection shall be distributed as follows:

12 To the judicial branch for salaries to assist with the
13 operation of juvenile drug court programs operated in the
14 following jurisdictions:

15 a. Marshall county:

16 \$ 31,354
17 62,708

18 b. Woodbury county:

19 \$ 62,841
20 125,682

21 c. Polk county:

22 \$ 97,946
23 195,892

24 d. The third judicial district:

25 \$ 33,967
26 67,934

27 e. The eighth judicial district:

28 \$ 33,967
29 67,934

30 16. Of the funds appropriated in this section, ~~\$113,668~~
31 \$227,337 shall be used for the public purpose of providing a
32 grant to a nonprofit human services organization providing
33 services to individuals and families in multiple locations in
34 southwest Iowa and Nebraska for support of a project providing
35 immediate, sensitive support and forensic interviews, medical

1 exams, needs assessments, and referrals for victims of child
2 abuse and their nonoffending family members.

3 17. Of the funds appropriated in this section, ~~\$62,795~~
4 \$125,590 is allocated for the ~~elevate~~ foster care youth council
5 approach of providing a support network to children placed in
6 foster care.

7 18. Of the funds appropriated in this section, ~~\$101,000~~
8 \$202,000 is allocated for use pursuant to section 235A.1 for
9 continuation of the initiative to address child sexual abuse
10 implemented pursuant to 2007 Iowa Acts, chapter 218, section
11 18, subsection 21.

12 19. Of the funds appropriated in this section, ~~\$315,120~~
13 \$630,240 is allocated for the community partnership for child
14 protection sites.

15 20. Of the funds appropriated in this section, ~~\$185,625~~
16 \$371,250 is allocated for the department's minority youth and
17 family projects under the redesign of the child welfare system.

18 21. Of the funds appropriated in this section, ~~\$600,247~~
19 \$1,200,495 is allocated for funding of the ~~state match for~~
20 community circle of care collaboration for children and
21 youth in northeast Iowa, formerly referred to as the federal
22 substance abuse and mental health services administration
23 (SAMHSA) system of care grant.

24 22. Of the funds appropriated in this section, at least
25 ~~\$73,579~~ \$147,158 shall be used for the child welfare training
26 academy.

27 23. Of the funds appropriated in this section, ~~\$12,500~~
28 \$25,000 shall be used for the public purpose of continuation
29 of a grant to a child welfare services provider headquartered
30 in a county with a population between 205,000 and 215,000 in
31 the latest certified federal census that provides multiple
32 services including but not limited to a psychiatric medical
33 institution for children, shelter, residential treatment, after
34 school programs, school-based programming, and an Asperger's
35 syndrome program, to be used for support services for children

1 with autism spectrum disorder and their families.

2 24. Of the funds appropriated in this section ~~\$125,000~~
3 \$250,000 shall be used for continuation of the central Iowa
4 system of care program grant through June 30, 2013.

5 25. Of the funds appropriated in this section, ~~\$80,000~~
6 \$160,000 shall be used for the public purpose of the
7 continuation of a system of care grant implemented in Cerro
8 Gordo and Linn counties in accordance with this Act in FY
9 2011-2012.

10 Sec. 28. 2011 Iowa Acts, chapter 129, is amended by adding
11 the following new section:

12 NEW SECTION. SEC. 128A. CHILDREN AND YOUTH PROGRAMS. There
13 is appropriated from the general fund of the state to the
14 department of human services for the fiscal year beginning July
15 1, 2011, and ending June 30, 2012, the following amounts, or
16 so much thereof as is necessary, to be used for the purposes
17 designated:

18 1. For the community circle of care collaboration for
19 children and youth in northeast Iowa, formerly known as the
20 federal substance abuse and mental health administration
21 (SAMHSA) system of care grant:

22 \$ 236,100

23 2. For the central Iowa system of care program grant for
24 children and youth:

25 \$ 77,947

26 Sec. 29. 2011 Iowa Acts, chapter 129, section 129, is
27 amended to read as follows:

28 SEC. 129. ADOPTION SUBSIDY.

29 1. There is appropriated from the general fund of the
30 state to the department of human services for the fiscal year
31 beginning July 1, 2012, and ending June 30, 2013, the following
32 amount, or so much thereof as is necessary, to be used for the
33 purpose designated:

34 For adoption subsidy payments and services:

35 \$ ~~16,633,295~~

31,526,402

1

2 2. The department may transfer funds appropriated in
3 this section to the appropriation made in this division of
4 this Act for general administration for costs paid from the
5 appropriation relating to adoption subsidy.

6 3. Federal funds received by the state during the
7 fiscal year beginning July 1, 2012, as the result of the
8 expenditure of state funds during a previous state fiscal
9 year for a service or activity funded under this section are
10 appropriated to the department to be used as additional funding
11 for the services and activities funded under this section.
12 Notwithstanding section 8.33, moneys received in accordance
13 with this subsection that remain unencumbered or unobligated
14 at the close of the fiscal year shall not revert to any fund
15 but shall remain available for expenditure for the purposes
16 designated until the close of the succeeding fiscal year.

17 Sec. 30. 2011 Iowa Acts, chapter 129, section 130, is
18 amended to read as follows:

19 SEC. 130. JUVENILE DETENTION HOME FUND. Moneys deposited
20 in the juvenile detention home fund created in section 232.142
21 during the fiscal year beginning July 1, 2012, and ending June
22 30, 2013, are appropriated to the department of human services
23 for the fiscal year beginning July 1, 2012, and ending June 30,
24 2013, for distribution of an amount equal to a percentage of
25 the costs of the establishment, improvement, operation, and
26 maintenance of county or multicounty juvenile detention homes
27 in the fiscal year beginning July 1, 2011. Moneys appropriated
28 for distribution in accordance with this section shall be
29 allocated among eligible detention homes, prorated on the basis
30 of an eligible detention home's proportion of the costs of all
31 eligible detention homes in the fiscal year beginning July
32 1, 2011. The percentage figure shall be determined by the
33 department based on the amount available for distribution for
34 the fund. Notwithstanding section 232.142, subsection 3, Code
35 Supplement 2011, the financial aid payable by the state under

1 that provision for the fiscal year beginning July 1, 2012,
2 shall be limited to the amount appropriated for the purposes of
3 this section.

4 Sec. 31. 2011 Iowa Acts, chapter 129, section 131, is
5 amended to read as follows:

6 SEC. 131. FAMILY SUPPORT SUBSIDY PROGRAM.

7 1. There is appropriated from the general fund of the
8 state to the department of human services for the fiscal year
9 beginning July 1, 2012, and ending June 30, 2013, the following
10 amount, or so much thereof as is necessary, to be used for the
11 purpose designated:

12 For the family support subsidy program subject to the
13 enrollment restrictions in section 225C.37, subsection 3:
14 \$ 583,999
15 1,096,784

16 2. The department shall use at least ~~\$192,750~~ \$385,500
17 of the moneys appropriated in this section for the family
18 support center component of the comprehensive family support
19 program under section 225C.47. Not more than ~~\$12,500~~ \$25,000
20 of the amount allocated in this subsection shall be used for
21 administrative costs.

22 3. If at any time during the fiscal year, the amount of
23 funding available for the family support subsidy program
24 is reduced from the amount initially used to establish the
25 figure for the number of family members for whom a subsidy
26 is to be provided at any one time during the fiscal year,
27 notwithstanding section 225C.38, subsection 2, the department
28 shall revise the figure as necessary to conform to the amount
29 of funding available.

30 Sec. 32. 2011 Iowa Acts, chapter 129, section 132, is
31 amended to read as follows:

32 SEC. 132. CONNER DECREE. There is appropriated from the
33 general fund of the state to the department of human services
34 for the fiscal year beginning July 1, 2012, and ending June 30,
35 2013, the following amount, or so much thereof as is necessary,

1 to be used for the purpose designated:

2 For building community capacity through the coordination
3 and provision of training opportunities in accordance with the
4 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
5 Iowa, July 14, 1994):

6 \$ ~~16,811~~
7 33,622

8 Sec. 33. 2011 Iowa Acts, chapter 129, section 133, is
9 amended to read as follows:

10 SEC. 133. MENTAL HEALTH INSTITUTES. There is appropriated
11 from the general fund of the state to the department of human
12 services for the fiscal year beginning July 1, 2012, and ending
13 June 30, 2013, the following amounts, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 1. For the state mental health institute at Cherokee for
16 salaries, support, maintenance, and miscellaneous purposes, and
17 for not more than the following full-time equivalent positions:
18 \$ ~~2,938,654~~
19 5,641,037
20 FTEs 168.50

21 2. For the state mental health institute at Clarinda for
22 salaries, support, maintenance, and miscellaneous purposes, and
23 for not more than the following full-time equivalent positions:
24 \$ ~~3,205,867~~
25 6,463,337
26 FTEs 86.10

27 3. For the state mental health institute at Independence for
28 salaries, support, maintenance, and miscellaneous purposes, and
29 for not more than the following full-time equivalent positions:
30 \$ ~~5,137,842~~
31 9,804,212
32 FTEs 233.00

33 4. For the state mental health institute at Mount Pleasant
34 for salaries, support, maintenance, and miscellaneous purposes,
35 and for not more than the following full-time equivalent

1 positions:

2	\$	472,161
3		<u>944,323</u>
4	FTEs	97.72

5 Sec. 34. 2011 Iowa Acts, chapter 129, section 134, is
6 amended to read as follows:

7 SEC. 134. STATE RESOURCE CENTERS.

8 1. There is appropriated from the general fund of the
9 state to the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the following
11 amounts, or so much thereof as is necessary, to be used for the
12 purposes designated:

13 a. For the state resource center at Glenwood for salaries,
14 support, maintenance, and miscellaneous purposes:

15	\$	9,253,900
16		<u>19,092,576</u>

17 b. For the state resource center at Woodward for salaries,
18 support, maintenance, and miscellaneous purposes:

19	\$	6,392,829
20		<u>13,176,093</u>

21 2. The department may continue to bill for state resource
22 center services utilizing a scope of services approach used for
23 private providers of ICFMR services, in a manner which does not
24 shift costs between the medical assistance program, counties,
25 or other sources of funding for the state resource centers.

26 3. The state resource centers may expand the time-limited
27 assessment and respite services during the fiscal year.

28 4. If the department's administration and the department
29 of management concur with a finding by a state resource
30 center's superintendent that projected revenues can reasonably
31 be expected to pay the salary and support costs for a new
32 employee position, or that such costs for adding a particular
33 number of new positions for the fiscal year would be less
34 than the overtime costs if new positions would not be added,
35 the superintendent may add the new position or positions. If

1 the vacant positions available to a resource center do not
2 include the position classification desired to be filled, the
3 state resource center's superintendent may reclassify any
4 vacant position as necessary to fill the desired position. The
5 superintendents of the state resource centers may, by mutual
6 agreement, pool vacant positions and position classifications
7 during the course of the fiscal year in order to assist one
8 another in filling necessary positions.

9 5. If existing capacity limitations are reached in
10 operating units, a waiting list is in effect for a service or
11 a special need for which a payment source or other funding
12 is available for the service or to address the special need,
13 and facilities for the service or to address the special need
14 can be provided within the available payment source or other
15 funding, the superintendent of a state resource center may
16 authorize opening not more than two units or other facilities
17 and begin implementing the service or addressing the special
18 need during fiscal year 2012-2013.

19 Sec. 35. 2011 Iowa Acts, chapter 129, section 137, is
20 amended to read as follows:

21 SEC. 137. SEXUALLY VIOLENT PREDATORS.

22 1. There is appropriated from the general fund of the
23 state to the department of human services for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purpose designated:

27 For costs associated with the commitment and treatment of
28 sexually violent predators in the unit located at the state
29 mental health institute at Cherokee, including costs of legal
30 services and other associated costs, including salaries,
31 support, maintenance, and miscellaneous purposes, and for not
32 more than the following full-time equivalent positions:

33	\$	3,775,363
34		<u>8,413,668</u>
35	FTEs	<u>89.50</u>

1
2 2. Unless specifically prohibited by law, if the amount
3 charged provides for recoupment of at least the entire amount
4 of direct and indirect costs, the department of human services
5 may contract with other states to provide care and treatment
6 of persons placed by the other states at the unit for sexually
7 violent predators at Cherokee. The moneys received under
8 such a contract shall be considered to be repayment receipts
9 and used for the purposes of the appropriation made in this
10 section.

11 FIELD OPERATIONS

12 Sec. 36. 2011 Iowa Acts, chapter 129, section 138,
13 unnumbered paragraphs 1 through 3, are amended to read as
14 follows:

15 There is appropriated from the general fund of the state to
16 the department of human services for the fiscal year beginning
17 July 1, 2012, and ending June 30, 2013, the following amount,
18 or so much thereof as is necessary, to be used for the purposes
19 designated:

20 For field operations, including salaries, support,
21 maintenance, and miscellaneous purposes, and for not more than
22 the following full-time equivalent positions:
23 \$ ~~27,394,960~~
24 62,315,440
25 FTEs 1,781.00

26 Priority in filling full-time equivalent positions shall be
27 given to those positions related to child protection services
28 and eligibility determination for low-income families.

29 GENERAL ADMINISTRATION APPROPRIATION

30 Sec. 37. 2011 Iowa Acts, chapter 129, section 139,
31 unnumbered paragraphs 1 and 2, are amended to read as follows:

32 There is appropriated from the general fund of the state to
33 the department of human services for the fiscal year beginning
34 July 1, 2012, and ending June 30, 2013, the following amount,
35 or so much thereof as is necessary, to be used for the purpose

1 designated:

2 For general administration, including salaries, support,
3 maintenance, and miscellaneous purposes, and for not more than
4 the following full-time equivalent positions:

5	\$	7,298,372
6		<u>15,621,842</u>
7	FTEs	285.00
8		<u>295.00</u>

9 GENERAL ADMINISTRATION REQUIREMENTS

10 Sec. 38. 2011 Iowa Acts, chapter 129, section 139,
11 subsections 1 through 5, are amended to read as follows:

12 1. Of the funds appropriated in this section, ~~\$19,271~~
13 \$38,542 is allocated for the prevention of disabilities policy
14 council established in section 225B.3.

15 2. The department shall report at least monthly to the
16 legislative services agency concerning the department's
17 operational and program expenditures.

18 3. Of the funds appropriated in this section, ~~\$66,150~~
19 \$132,300 shall be used to continue the contract for the
20 provision of a program to provide technical assistance,
21 support, and consultation to providers of habilitation services
22 and home and community-based waiver services for adults with
23 disabilities under the medical assistance program.

24 4. Of the funds appropriated in this section, ~~\$88,200~~
25 \$176,400 shall be used to continue the contract to expand
26 the provision of nationally accredited and recognized
27 internet-based training to include mental health and disability
28 services providers.

29 5. Of the funds appropriated in this section, ~~\$250,000~~
30 \$500,000 shall be used for continuation of child protection
31 system improvements addressed in 2011 Iowa Acts, ~~House File~~
32 ~~562, as enacted~~ chapter 28.

33 Sec. 39. 2011 Iowa Acts, chapter 129, section 140, is
34 amended to read as follows:

35 SEC. 140. VOLUNTEERS. There is appropriated from the

1 general fund of the state to the department of human services
2 for the fiscal year beginning July 1, 2012, and ending June 30,
3 2013, the following amount, or so much thereof as is necessary,
4 to be used for the purpose designated:

5 For development and coordination of volunteer services:
6 \$ ~~42,330~~
7 84,660

8 Sec. 40. 2011 Iowa Acts, chapter 129, section 141, is
9 amended to read as follows:

10 SEC. 141. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
11 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
12 DEPARTMENT OF HUMAN SERVICES.

13 1. a. (1) For the fiscal year beginning July 1, 2012,
14 the total state funding amount for the nursing facility budget
15 shall not exceed ~~\$225,457,724~~ \$237,226,901.

16 (2) The department, in cooperation with nursing facility
17 representatives, shall review projections for state funding
18 expenditures for reimbursement of nursing facilities on a
19 quarterly basis and the department shall determine if an
20 adjustment to the medical assistance reimbursement rate is
21 necessary in order to provide reimbursement within the state
22 funding amount for the fiscal year. Notwithstanding 2001
23 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
24 "c", and subsection 3, paragraph "a", subparagraph (2),
25 if the state funding expenditures for the nursing facility
26 budget for the fiscal year is projected to exceed the amount
27 specified in subparagraph (1), the department shall adjust
28 the reimbursement for nursing facilities reimbursed under the
29 case-mix reimbursement system to maintain expenditures of the
30 nursing facility budget within the specified amount for the
31 fiscal year.

32 (3) For the fiscal year beginning July 1, 2012, special
33 population nursing facilities shall be reimbursed in accordance
34 with the methodology in effect on June 30, 2012.

35 b. (1) For the fiscal year beginning July 1, 2012, the

1 department shall reimburse pharmacy dispensing fees using a
2 single rate of ~~\$4.34~~ \$10.00 per prescription or the pharmacy's
3 usual and customary fee, whichever is lower. ~~However,~~
4 ~~the department shall adjust the dispensing fee specified~~
5 ~~in this paragraph to distribute an additional \$2,981,980~~
6 ~~in reimbursements for pharmacy dispensing fees under this~~
7 ~~paragraph for the fiscal year.~~

8 (2) The department shall implement an average acquisition
9 cost reimbursement methodology for all drugs covered under the
10 medical assistance program. The methodology shall utilize a
11 survey of pharmacy invoices in determining the reimbursement.
12 Pharmacies and providers that are enrolled in the medical
13 assistance program shall make available drug acquisition cost
14 information, product availability information, and other
15 information deemed necessary by the department to assist the
16 department in monitoring and revising reimbursement rates and
17 for efficient operation of the pharmacy benefit.

18 (a) A pharmacy or provider shall produce and submit the
19 requested information in the manner and format requested by the
20 department or its designee at no cost to the department or its
21 designee.

22 (b) A pharmacy or provider shall submit information to the
23 department or its designee within the time frame indicated
24 following receipt of a request for information unless the
25 department or its designee grants an extension upon written
26 request of the pharmacy or provider.

27 c. (1) For the fiscal year beginning July 1, 2012,
28 reimbursement rates for outpatient hospital services shall
29 remain at the rates in effect on June 30, 2012.

30 (2) For the fiscal year beginning July 1, 2012,
31 reimbursement rates for inpatient hospital services shall
32 remain at the rates in effect on June 30, 2012.

33 (3) For the fiscal year beginning July 1, 2012, the graduate
34 medical education and disproportionate share hospital fund
35 shall remain at the amount in effect on June 30, 2012, except

1 that the portion of the fund attributable to graduate medical
2 education shall be reduced in an amount that reflects the
3 elimination of graduate medical education payments made to
4 out-of-state hospitals.

5 (4) In order to ensure the efficient use of limited state
6 funds in procuring health care services for low-income Iowans,
7 funds appropriated in this Act for hospital services shall
8 not be used for activities which would be excluded from a
9 determination of reasonable costs under the federal Medicare
10 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

11 d. For the fiscal year beginning July 1, 2012, reimbursement
12 rates for rural health clinics, hospices, and acute mental
13 hospitals shall be increased in accordance with increases under
14 the federal Medicare program or as supported by their Medicare
15 audited costs.

16 e. For the fiscal year beginning July 1, 2012, independent
17 laboratories and rehabilitation agencies shall be reimbursed
18 using the same methodology in effect on June 30, 2012.

19 f. For the fiscal year beginning July 1, 2012, reimbursement
20 rates for home health agencies shall remain at the rates in
21 effect on June 30, 2012, not to exceed a home health agency's
22 actual allowable cost.

23 g. For the fiscal year beginning July 1, 2012, federally
24 qualified health centers shall receive cost-based reimbursement
25 for 100 percent of the reasonable costs for the provision of
26 services to recipients of medical assistance.

27 h. For the fiscal year beginning July 1, 2012, the
28 reimbursement rates for dental services shall remain at the
29 rates in effect on June 30, 2012.

30 i. (1) For the fiscal year beginning July 1, 2012,
31 state-owned psychiatric medical institutions for children shall
32 receive cost-based reimbursement for 100 percent of the actual
33 and allowable costs for the provision of services to recipients
34 of medical assistance.

35 (2) For the nonstate-owned psychiatric medical institutions

1 for children, reimbursement rates shall be based on the
2 reimbursement methodology developed by the department as
3 required for federal compliance.

4 (3) As a condition of participation in the medical
5 assistance program, enrolled providers shall accept the medical
6 assistance reimbursement rate for any covered goods or services
7 provided to recipients of medical assistance who are children
8 under the custody of a psychiatric medical institution for
9 children.

10 j. For the fiscal year beginning July 1, 2012, unless
11 otherwise specified in this Act, all noninstitutional medical
12 assistance provider reimbursement rates shall remain at the
13 rates in effect on June 30, 2012, except for area education
14 agencies, local education agencies, infant and toddler services
15 providers, and those providers whose rates are required to be
16 determined pursuant to section 249A.20.

17 k. Notwithstanding any provision to the contrary, for the
18 fiscal year beginning July 1, 2012, the reimbursement rate for
19 anesthesiologists shall remain at the rate in effect on June
20 30, 2012.

21 l. Notwithstanding section 249A.20, for the fiscal year
22 beginning July 1, 2012, the average reimbursement rate for
23 health care providers eligible for use of the federal Medicare
24 resource-based relative value scale reimbursement methodology
25 under that section shall remain at the rate in effect on June
26 30, 2012; however, this rate shall not exceed the maximum level
27 authorized by the federal government.

28 m. For the fiscal year beginning July 1, 2012, the
29 reimbursement rate for residential care facilities shall not
30 be less than the minimum payment level as established by the
31 federal government to meet the federally mandated maintenance
32 of effort requirement. The flat reimbursement rate for
33 facilities electing not to file annual cost reports shall not
34 be less than the minimum payment level as established by the
35 federal government to meet the federally mandated maintenance

1 of effort requirement.

2 n. For the fiscal year beginning July 1, 2012, inpatient
3 mental health services provided at hospitals shall remain at
4 the rates in effect on June 30, 2012, subject to Medicaid
5 program upper payment limit rules; community mental health
6 centers and providers of mental health services to county
7 residents pursuant to a waiver approved under section 225C.7,
8 subsection 3, shall be reimbursed at 100 percent of the
9 reasonable costs for the provision of services to recipients of
10 medical assistance; and psychiatrists shall be reimbursed at
11 the medical assistance program fee for service rate.

12 o. For the fiscal year beginning July 1, 2012, the
13 reimbursement rate for consumer-directed attendant care shall
14 remain at the rates in effect on June 30, 2012.

15 p. For the fiscal year beginning July 1, 2012, the
16 reimbursement rate for providers of family planning services
17 that are eligible to receive a 90 percent federal match shall
18 remain at the rates in effect on June 30, 2012.

19 q. For the fiscal year beginning July 1, 2012, the
20 ~~department shall adjust the rates in effect on June 30, 2012,~~
21 reimbursement rate for providers of home and community-based
22 ~~services waiver services to distribute an additional \$1,500,000~~
23 ~~in reimbursements to such providers for the fiscal year shall~~
24 remain at the rate in effect on June 30, 2012.

25 2. For the fiscal year beginning July 1, 2012, the
26 reimbursement rate for providers reimbursed under the
27 in-home-related care program shall not be less than the minimum
28 payment level as established by the federal government to meet
29 the federally mandated maintenance of effort requirement.

30 3. Unless otherwise directed in this section, when the
31 department's reimbursement methodology for any provider
32 reimbursed in accordance with this section includes an
33 inflation factor, this factor shall not exceed the amount
34 by which the consumer price index for all urban consumers
35 increased during the calendar year ending December 31, 2002.

1 4. For the fiscal year beginning July 1, 2012,
2 notwithstanding section 234.38, the foster family basic daily
3 maintenance rate and the maximum adoption subsidy rate for
4 children ages 0 through 5 years shall be \$15.74, the rate for
5 children ages 6 through 11 years shall be \$16.37, the rate for
6 children ages 12 through 15 years shall be \$17.92, and the
7 rate for children and young adults ages 16 and older shall be
8 \$18.16. The maximum supervised apartment living foster care
9 reimbursement rate shall be \$25.00 per day. For youth ages
10 18 to 21 who have exited foster care, the maximum preparation
11 for adult living program maintenance rate shall be \$574.00 per
12 month. The maximum payment for adoption subsidy nonrecurring
13 expenses shall be limited to \$500 and the disallowance of
14 additional amounts for court costs and other related legal
15 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
16 section 408 shall be continued.

17 5. For the fiscal year beginning July 1, 2012, the maximum
18 reimbursement rates under the supervised apartment living
19 program and for social services providers under contract
20 shall remain at the rates in effect on June 30, 2012, or the
21 provider's actual and allowable cost plus inflation for each
22 service, whichever is less. However, if a new service or
23 service provider is added after June 30, 2012, the initial
24 reimbursement rate for the service or provider shall be
25 based upon actual and allowable costs. Providers may also
26 be eligible for an additional amount as specified under the
27 department's request for proposal, bid number ACFS-11-115.

28 6. For the fiscal year beginning July 1, 2012, the
29 reimbursement rates for family-centered service providers,
30 family foster care service providers, group foster care service
31 providers, and the resource family recruitment and retention
32 contractor shall remain at the rates in effect on June 30,
33 2012.

34 7. The group foster care reimbursement rates paid for
35 placement of children out of state shall be calculated

1 according to the same rate-setting principles as those used for
2 in-state providers, unless the director of human services or
3 the director's designee determines that appropriate care cannot
4 be provided within the state. The payment of the daily rate
5 shall be based on the number of days in the calendar month in
6 which service is provided.

7 8. a. For the fiscal year beginning July 1, 2012, the
8 reimbursement rate paid for shelter care and the child welfare
9 emergency services implemented to provide or prevent the need
10 for shelter care shall be established in a contract based on
11 the requirements of the department's request for proposal, bid
12 number ACFS-11-114.

13 b. For the fiscal year beginning July 1, 2012, the combined
14 service and maintenance components of the reimbursement rate
15 paid for shelter care services shall be based on the financial
16 and statistical report submitted to the department. The
17 maximum reimbursement rate shall be \$92.36 per day. The
18 department shall reimburse a shelter care provider at the
19 provider's actual and allowable unit cost, plus inflation, not
20 to exceed the maximum reimbursement rate.

21 c. Notwithstanding section 232.141, subsection 8, for the
22 fiscal year beginning July 1, 2012, the amount of the statewide
23 average of the actual and allowable rates for reimbursement of
24 juvenile shelter care homes that is utilized for the limitation
25 on recovery of unpaid costs shall remain at the amount in
26 effect for this purpose in the fiscal year beginning July 1,
27 2011.

28 9. For the fiscal year beginning July 1, 2012, the
29 department shall calculate reimbursement rates for intermediate
30 care facilities for persons with mental retardation at the
31 80th percentile. Beginning July 1, 2012, the rate calculation
32 methodology shall utilize the consumer price index inflation
33 factor applicable to the fiscal year beginning July 1, 2012.

34 10. For the fiscal year beginning July 1, 2012, for child
35 care providers reimbursed under the state child care assistance

1 program, the department shall set provider reimbursement
2 rates based on the rate reimbursement survey completed in
3 December 2004. Effective July 1, 2012, the child care provider
4 reimbursement rates shall remain at the rates in effect on June
5 30, 2012. The department shall set rates in a manner so as
6 to provide incentives for a nonregistered provider to become
7 registered by applying the increase only to registered and
8 licensed providers.

9 11. The department may adopt emergency rules to implement
10 this section.

11 Sec. 41. 2011 Iowa Acts, chapter 129, section 142, is
12 amended to read as follows:

13 SEC. 142. EMERGENCY RULES.

14 1. If specifically authorized by a provision of this
15 division of this Act, the department of human services or
16 the mental health, and disability services commission may
17 adopt administrative rules under section 17A.4, subsection
18 3, and section 17A.5, subsection 2, paragraph "b", to
19 implement the provisions and the rules shall become effective
20 immediately upon filing or on a later effective date specified
21 in the rules, unless the effective date is delayed by the
22 administrative rules review committee. Any rules adopted in
23 accordance with this section shall not take effect before
24 the rules are reviewed by the administrative rules review
25 committee. The delay authority provided to the administrative
26 rules review committee under section 17A.4, subsection 7, and
27 section 17A.8, subsection 9, shall be applicable to a delay
28 imposed under this section, notwithstanding a provision in
29 those sections making them inapplicable to section 17A.5,
30 subsection 2, paragraph "b". Any rules adopted in accordance
31 with the provisions of this section shall also be published as
32 notice of intended action as provided in section 17A.4.

33 2. If during the fiscal year beginning July 1, 2012, the
34 department of human services is adopting rules in accordance
35 with this section or as otherwise directed or authorized by

1 state law, and the rules will result in an expenditure increase
2 beyond the amount anticipated in the budget process or if the
3 expenditure was not addressed in the budget process for the
4 fiscal year, the department shall notify the persons designated
5 by this division of this Act for submission of reports,
6 the chairpersons and ranking members of the committees on
7 appropriations, and the department of management concerning the
8 rules and the expenditure increase. The notification shall be
9 provided at least 30 calendar days prior to the date notice of
10 the rules is submitted to the administrative rules coordinator
11 and the administrative code editor.

12 Sec. 42. 2011 Iowa Acts, chapter 129, section 143, is
13 amended to read as follows:

14 SEC. 143. REPORTS. Any reports or other information
15 required to be compiled and submitted under this Act shall be
16 submitted to the chairpersons and ranking members of the joint
17 appropriations subcommittee on health and human services, the
18 legislative services agency, and the legislative caucus staffs
19 on or before the dates specified for submission of the reports
20 or information.

21 DIVISION V

22 PHARMACEUTICAL SETTLEMENT ACCOUNT,

23 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER

24 REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,

25 MEDICAID FRAUD FUND, QUALITY ASSURANCE TRUST FUND,

26 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2012-2013

27 Sec. 43. 2011 Iowa Acts, chapter 129, section 145, is
28 amended to read as follows:

29 SEC. 145. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
30 appropriated from the pharmaceutical settlement account created
31 in section 249A.33 to the department of human services for the
32 fiscal year beginning July 1, 2012, and ending June 30, 2013,
33 the following amount, or so much thereof as is necessary, to be
34 used for the purpose designated:

35 Notwithstanding any provision of law to the contrary, to

1 supplement the appropriations made in this Act for medical
2 contracts under the medical assistance program for the fiscal
3 year beginning July 1, 2012, and ending June 30, 2013:

4 \$ 2,716,807

5 Sec. 44. 2011 Iowa Acts, chapter 129, section 146, is
6 amended to read as follows:

7 SEC. 146. APPROPRIATIONS FROM IOWACARE ACCOUNT.

8 1. There is appropriated from the IowaCare account
9 created in section 249J.24 to the state board of regents for
10 distribution to the university of Iowa hospitals and clinics
11 for the fiscal year beginning July 1, 2012, and ending June 30,
12 2013, the following amount, or so much thereof as is necessary,
13 to be used for the purposes designated:

14 For salaries, support, maintenance, equipment, and
15 miscellaneous purposes, for the provision of medical and
16 surgical treatment of indigent patients, for provision of
17 services to members of the expansion population pursuant to
18 chapter 249J, and for medical education:

19 \$ 27,284,584

20 a. (1) Funds appropriated in this subsection used for
21 abortions shall be used in a manner consistent with options
22 under federal Medicaid law and regulation.

23 (2) Iowans support reducing the number of abortions
24 performed in our state. For an abortion covered under this
25 subsection, except in the case of a medical emergency, as
26 defined in section 135L.1, for any woman, the physician shall
27 certify both of the following:

28 (a) That the woman has been given the opportunity to view an
29 ultrasound image of the fetus as part of the standard of care
30 before an abortion is performed.

31 (b) That the woman has been provided information regarding
32 the options relative to a pregnancy, including continuing the
33 pregnancy to term and retaining parental rights following the
34 child's birth, continuing the pregnancy to term and placing the
35 child for adoption, and terminating the pregnancy.

1 b. Notwithstanding any provision of law to the contrary,
2 the amount appropriated in this subsection shall be distributed
3 based on claims submitted, adjudicated, and paid by the Iowa
4 Medicaid enterprise.

5 c. The university of Iowa hospitals and clinics shall
6 certify public expenditures in an amount equal to provide
7 the nonfederal share on total expenditures not to exceed
8 \$20,000,000.

9 2. There is appropriated from the IowaCare account
10 created in section 249J.24 to the state board of regents for
11 distribution to the university of Iowa hospitals and clinics
12 for the fiscal year beginning July 1, 2012, and ending June 30,
13 2013, the following amount, or so much thereof as is necessary,
14 to be used for the purposes designated:

15 For salaries, support, maintenance, equipment, and
16 miscellaneous purposes, for the provision of medical and
17 surgical treatment of indigent patients, for provision of
18 services to members of the expansion population pursuant to
19 chapter 249J, and for medical education:

20 \$ ~~44,226,279~~
21 45,654,133

22 Notwithstanding any provision of law to the contrary, the
23 amount appropriated in this subsection shall be distributed
24 based on claims submitted, adjudicated, and paid by the Iowa
25 Medicaid enterprise.

26 3. There is appropriated from the IowaCare account
27 created in section 249J.24, to the state board of regents for
28 distribution to university of Iowa physicians for the fiscal
29 year beginning July 1, 2012, and ending June 30, 2013, the
30 following amount, or so much thereof as is necessary to be used
31 for the purposes designated:

32 For salaries, support, maintenance, equipment, and
33 miscellaneous purposes for the provision of medical and
34 surgical treatment of indigent patients, for provision of
35 services to members of the expansion population pursuant to

1 chapter 249J, and for medical education:

2 \$ 16,277,753

3 Notwithstanding any provision of law to the contrary, the
4 amount appropriated in this subsection shall be distributed
5 based on claims submitted, adjudicated, and paid by the Iowa
6 Medicaid enterprise. Once the entire amount appropriated in
7 this subsection has been distributed, claims shall continue to
8 be submitted and adjudicated by the Iowa Medicaid enterprise;
9 however, no payment shall be made based upon such claims.

10 4. There is appropriated from the IowaCare account created
11 in section 249J.24 to the department of human services for the
12 fiscal year beginning July 1, 2012, and ending June 30, 2013,
13 the following amount, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 For distribution to a publicly owned acute care teaching
16 hospital located in a county with a population over 350,000 for
17 the provision of medical and surgical treatment of indigent
18 patients, for provision of services to members of the expansion
19 population pursuant to chapter 249J, and for medical education:

20 \$ ~~65,000,000~~
21 69,000,000

22 a. Notwithstanding any provision of law to the contrary,
23 the amount appropriated in this subsection shall be distributed
24 based on claims submitted, adjudicated, and paid by the Iowa
25 Medicaid enterprise plus a monthly disproportionate share
26 hospital payment. Any amount appropriated in this subsection
27 in excess of \$60,000,000 shall be distributed only if the sum
28 of the expansion population claims adjudicated and paid by the
29 Iowa Medicaid enterprise plus the estimated disproportionate
30 share hospital payments exceeds \$60,000,000. The amount paid
31 in excess of \$60,000,000 shall not adjust the original monthly
32 payment amount but shall be distributed monthly based on actual
33 claims adjudicated and paid by the Iowa Medicaid enterprise
34 plus the estimated disproportionate share hospital amount. Any
35 amount appropriated in this subsection in excess of \$60,000,000

1 shall be allocated only if federal funds are available to match
2 the amount allocated. Pursuant to paragraph "b", of the amount
3 appropriated in this subsection, not more than \$4,000,000 shall
4 be distributed for prescription drugs, ~~and~~ podiatry services
5 and optometric services.

6 b. Notwithstanding any provision of law to the contrary, the
7 hospital identified in this subsection, shall be reimbursed for
8 outpatient prescription drugs and podiatry services provided to
9 members of the expansion population pursuant to all applicable
10 medical assistance program rules, in an amount not to exceed
11 \$4,000,000.

12 c. Notwithstanding the total amount of proceeds distributed
13 pursuant to section 249J.24, subsection 4, paragraph "a",
14 unnumbered paragraph 1, for the fiscal year beginning July
15 1, 2012, and ending June 30, 2013, the county treasurer of a
16 county with a population of over 350,000 in which a publicly
17 owned acute care teaching hospital is located shall distribute
18 the proceeds collected pursuant to section 347.7 in a total
19 amount of \$38,000,000, which would otherwise be distributed to
20 the county hospital, to the treasurer of state for deposit in
21 the IowaCare account.

22 d. (1) Notwithstanding the amount collected and
23 distributed for deposit in the IowaCare account pursuant to
24 section 249J.24, subsection 4, paragraph "a", subparagraph
25 (1), the first \$19,000,000 in proceeds collected pursuant to
26 section 347.7 between July 1, 2012, and December 31, 2012,
27 shall be distributed to the treasurer of state for deposit in
28 the IowaCare account and collections during this time period
29 in excess of \$19,000,000 shall be distributed to the acute
30 care teaching hospital identified in this subsection. Of the
31 collections in excess of the \$19,000,000 received by the acute
32 care teaching hospital under this subparagraph (1), \$2,000,000
33 shall be distributed by the acute care teaching hospital to the
34 treasurer of state for deposit in the IowaCare account in the
35 month of January 2013, following the July 1 through December

1 31, 2012, period.

2 (2) Notwithstanding the amount collected and distributed
3 for deposit in the IowaCare account pursuant to section
4 249J.24, subsection 4, paragraph "a", subparagraph (2),
5 the first \$19,000,000 in collections pursuant to section
6 347.7 between January 1, 2013, and June 30, 2013, shall be
7 distributed to the treasurer of state for deposit in the
8 IowaCare account and collections during this time period in
9 excess of \$19,000,000 shall be distributed to the acute care
10 teaching hospital identified in this subsection. Of the
11 collections in excess of the \$19,000,000 received by the acute
12 care teaching hospital under this subparagraph (2), \$2,000,000
13 shall be distributed by the acute care teaching hospital to the
14 treasurer of state for deposit in the IowaCare account in the
15 month of July 2013, following the January 1 through June 30,
16 2013, period.

17 5. There is appropriated from the IowaCare account created
18 in section 249J.24 to the department of human services for the
19 fiscal year beginning July 1, 2012, and ending June 30, 2013,
20 the following amount, or so much thereof as is necessary to be
21 used for the purpose designated:

22 For payment to the regional provider network specified
23 by the department pursuant to section 249J.7 for provision
24 of covered services to members of the expansion population
25 pursuant to chapter 249J:

26 \$ 3,472,176
27 4,986,366

28 Notwithstanding any provision of law to the contrary, the
29 amount appropriated in this subsection shall be distributed
30 based on claims submitted, adjudicated, and paid by the Iowa
31 Medicaid enterprise. Once the entire amount appropriated in
32 this subsection has been distributed, claims shall continue to
33 be submitted and adjudicated by the Iowa Medicaid enterprise;
34 however, no payment shall be made based upon such claims.

35 6. There is appropriated from the IowaCare account created

1 in section 249J.24 to the department of human services for the
2 fiscal year beginning July 1, 2012, and ending June 30, 2013,
3 the following amount, or so much thereof as is necessary to be
4 used for the purposes designated:

5 For a care coordination pool to pay the expansion population
6 providers consisting of the university of Iowa hospitals and
7 clinics, the publicly owned acute care teaching hospital as
8 specified in section 249J.7, and current medical assistance
9 program providers that are not expansion population network
10 providers pursuant to section 249J.7, for services covered by
11 the full benefit medical assistance program but not under the
12 IowaCare program pursuant to section 249J.6, that are provided
13 to expansion population members:

14 \$ 1,500,000

15 a. Notwithstanding sections 249J.6 and 249J.7, the amount
16 appropriated in this subsection is intended to provide
17 payment for medically necessary services provided to expansion
18 population members for continuation of care provided by the
19 university of Iowa hospitals and clinics or the publicly owned
20 acute care teaching hospital as specified in section 249J.7.
21 Payment may only be made for services that are not otherwise
22 covered under section 249J.6, and which are follow-up services
23 to covered services provided by the hospitals specified in this
24 paragraph "a".

25 b. The funds appropriated in this subsection are intended
26 to provide limited payment for continuity of care services for
27 an expansion population member, and are intended to cover the
28 costs of services to expansion population members, regardless
29 of the member's county of residence or medical home assignment,
30 if the care is related to specialty or hospital services
31 provided by the hospitals specified in paragraph "a".

32 c. The funds appropriated in this subsection are
33 not intended to provide for expanded coverage under the
34 IowaCare program, and shall not be used to cover emergency
35 transportation services.

1 d. The department shall adopt administrative rules pursuant
2 to chapter 17A to establish a prior authorization process and
3 to identify covered services for reimbursement under this
4 subsection.

5 7. There is appropriated from the IowaCare account created
6 in section 249J.24 to the department of human services for the
7 fiscal year beginning July 1, 2012, and ending June 30, 2013,
8 the following amount or so much thereof as is necessary to be
9 used for the purposes designated:

10 For a laboratory test and radiology pool for services
11 authorized by a federally qualified health center designated
12 by the department as part of the IowaCare regional provider
13 network that does not have the capability to provide these
14 services on site:

15 \$ 500,000

16 Notwithstanding sections 249J.6 and 249J.7, the amount
17 appropriated in this subsection is intended to provide
18 reimbursement for services provided to expansion population
19 members that have previously been paid for through expenditure
20 by designated regional provider network providers of their
21 own funds, not to expand coverage under the IowaCare program
22 or to expand the expansion population provider network. The
23 department shall designate the laboratory and radiology
24 provider associated with each designated regional provider
25 network provider that may receive reimbursement. The
26 department shall adopt administrative rules pursuant to chapter
27 17A to establish a prior authorization process and to identify
28 covered services for reimbursement under this subsection.
29 All other medical assistance program payment policies and
30 rules for laboratory and radiology services shall apply to
31 services provided under this subsection. If the entire amount
32 appropriated under this subsection is expended, laboratory
33 tests and radiology services ordered by a designated regional
34 provider network provider shall be the financial responsibility
35 of the regional provider network provider.

1 Sec. 45. 2011 Iowa Acts, chapter 129, section 147, is
2 amended to read as follows:

3 SEC. 147. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER
4 REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES.

5 Notwithstanding any provision to the contrary, and subject
6 to the availability of funds, there is appropriated from the
7 nonparticipating provider reimbursement fund created in section
8 249J.24A to the department of human services for the fiscal
9 year beginning July 1, 2012, and ending June 30, 2013, the
10 following amount or so much thereof as is necessary for the
11 purposes designated:

12 To reimburse nonparticipating providers in accordance with
13 section 249J.24A:

14 \$ 2,000,000

15 ACCOUNT FOR HEALTH CARE TRANSFORMATION

16 Sec. 46. 2011 Iowa Acts, chapter 129, section 148,
17 subsections 1 through 13, 15, and 16, are amended to read as
18 follows:

19 1. For the provision of an IowaCare nurse helpline for the
20 expansion population as provided in section 249J.6:

21 \$ 50,000

22 100,000

23 2. For other health promotion partnership activities
24 pursuant to section 249J.14:

25 \$ 300,000

26 600,000

27 3. For the costs related to audits, performance
28 evaluations, and studies required pursuant to chapter 249J:

29 \$ 62,500

30 125,000

31 4. For administrative costs associated with chapter 249J:

32 \$ 566,206

33 1,132,412

34 5. For planning and development, in cooperation with the
35 department of public health, of a phased-in program to provide

1 a dental home for children in accordance with section 249J.14:
2 \$ ~~500,000~~
3 1,000,000

4 6. For continuation of the establishment of the tuition
5 assistance for individuals serving individuals with
6 disabilities pilot program, as enacted in 2008 Iowa Acts,
7 chapter 1187, section 130:
8 \$ ~~25,000~~
9 50,000

10 7. For medical contracts:
11 \$ ~~1,000,000~~
12 2,400,000

13 8. For payment to the publicly owned acute care teaching
14 hospital located in a county with a population of over 350,000
15 that is a participating provider pursuant to chapter 249J:
16 \$ ~~145,000~~
17 290,000

18 Disbursements under this subsection shall be made monthly.
19 The hospital shall submit a report following the close of the
20 fiscal year regarding use of the funds appropriated in this
21 subsection to the persons specified in this Act to receive
22 reports.

23 9. For transfer to the department of public health to be
24 used for the costs of medical home system advisory council
25 established pursuant to section 135.159:
26 \$ ~~116,679~~
27 233,357

28 10. For continued implementation of a uniform cost report:
29 \$ ~~75,000~~
30 150,000

31 11. For continued implementation of an electronic medical
32 records system:
33 \$ ~~50,000~~
34 100,000

35 Notwithstanding section 8.33, funds allocated in this

1 subsection that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 in succeeding fiscal years to be used for the purposes
4 designated.

5 12. For transfer to the department of public health to
6 support the department's activities relating to health and
7 long-term care access as specified pursuant to chapter 135,
8 division XXIV:

9 \$ 67,107
10 134,214

11 13. For continuation of an accountable care organization
12 pilot project:

13 \$ 50,000
14 100,000

15 15. For transfer to the department of public health to
16 be used as state matching funds for the health information
17 technology system developed by the department of public health:

18 \$ ~~181,993~~
19 363,987

20 16. To supplement the appropriation for medical assistance:

21 \$ 1,956,245

22 Sec. 47. 2011 Iowa Acts, chapter 129, section 150, is
23 amended to read as follows:

24 SEC. 150. MEDICAID FRAUD ACCOUNT FUND — DEPARTMENT OF
25 HUMAN SERVICES. There is appropriated from the Medicaid fraud
26 ~~account~~ fund created in section 249A.7 to the department of
27 human services for the fiscal year beginning July 1, 2012, and
28 ending June 30, 2013, the following amount, or so much thereof
29 as is necessary, to be used for the purposes designated:

30 To supplement the appropriation made in this Act from the
31 general fund of the state to the department of human services
32 for medical assistance for the fiscal year beginning July 1,
33 2012, and ending June 30, 2013:

34 \$ 2,000,000

35 Sec. 48. 2011 Iowa Acts, chapter 129, section 151, is

1 amended to read as follows:

2 SEC. 151. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF
3 HUMAN SERVICES. Notwithstanding any provision to the contrary
4 and subject to the availability of funds, there is appropriated
5 from the quality assurance trust fund created in section
6 249L.4 to the department of human services for the fiscal year
7 beginning July 1, 2012, and ending June 30, 2013, the following
8 amounts, or so much thereof as is necessary for the purposes
9 designated:

10 To supplement the appropriation made in this Act from the
11 general fund of the state to the department of human services
12 for medical assistance:

13 \$ ~~29,000,000~~
14 26,500,000

15 Sec. 49. 2011 Iowa Acts, chapter 129, section 152, is
16 amended to read as follows:

17 SEC. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND —
18 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
19 the contrary and subject to the availability of funds, there is
20 appropriated from the hospital health care access trust fund
21 created in section 249M.4 to the department of human services
22 for the fiscal year beginning July 1, 2012, and ending June
23 30, 2013, the following amounts, or so much thereof as is
24 necessary, for the purposes designated:

25 1. To supplement the appropriation made in this Act from the
26 general fund of the state to the department of human services
27 for medical assistance:

28 \$ ~~39,223,800~~
29 33,898,400

30 2. For deposit in the nonparticipating provider
31 reimbursement fund created in section 249J.24A to be used for
32 the purposes of the fund:

33 \$ ~~776,200~~
34 801,600

35 Sec. 50. REPEAL. 2011 Iowa Acts, chapter 129, sections 149

1 and 153, are repealed.

2 DIVISION VI

3 CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT
4 CONTINGENCY FUND

5 Sec. 51. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD
6 ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE OF FUNDS —
7 FY 2011-2012.

8 1. Moneys received from the federal government through
9 the child enrollment contingency fund established pursuant
10 to section 103 of the federal Children's Health Insurance
11 Program Reauthorization Act of 2009, Pub. L. No. 111-3, are
12 appropriated to the department of human services for the fiscal
13 year beginning July 1, 2011, and ending June 30, 2012, to be
14 used in addition to any other amounts appropriated for the same
15 purposes for the fiscal year as follows:

- 16 a. For adoption subsidy payments and services:
17 \$ 2,034,521
- 18 b. For child care programs:
19 \$ 1,956,964

20 2. Notwithstanding section 8.39, and to the extent
21 that funds appropriated in this section are unexpended or
22 unobligated for the purposes specified in subsection 1, the
23 department of human services may transfer funds within or
24 between any of the appropriations made in this section for the
25 following purposes:

- 26 a. For adoption subsidy payments and services.
- 27 b. For child care assistance.

28 Sec. 52. AUDIT SETTLEMENTS. Moneys received from the
29 federal government through the child enrollment contingency
30 fund established pursuant to section 103 of the federal
31 Children's Health Insurance Program Reauthorization Act of
32 2009, Pub. L. No. 111-3, are appropriated to the department of
33 human services for the fiscal year beginning July 1, 2011, and
34 ending June 30, 2012, to be used for audit settlements:

35 \$ 2,654,238

1 Notwithstanding section 8.33, moneys appropriated in this
2 section that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert to any other fund but shall
4 remain available for expenditure for the purposes designated
5 until the close of the succeeding fiscal year.

6 Sec. 53. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD
7 ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE OF FUNDS —
8 FY 2012-2013.

9 1. Moneys received from the federal government through
10 the child enrollment contingency fund established pursuant
11 to section 103 of the federal Children's Health Insurance
12 Program Reauthorization Act of 2009, Pub. L. No. 111-3, are
13 appropriated to the department of human services for the fiscal
14 year beginning July 1, 2012, and ending June 30, 2013, to be
15 used in addition to any other amounts appropriated for the same
16 purposes for the fiscal year as follows:

- 17 a. For adoption subsidy payments and services:
18 \$ 5,290,441
- 19 b. For child care programs:
20 \$ 7,969,021
- 21 c. For mental health and disability services redesign
22 technical assistance services:
23 \$ 500,000
- 24 d. For the field operations integrity claims unit:
25 \$ 961,100
- 26 e. For medical assistance program reimbursement and
27 associated costs:
28 \$ 4,950,428

29 2. Notwithstanding section 8.39, and to the extent
30 that funds appropriated in this section are unexpended or
31 unobligated for the purposes specified in subsection 1,
32 paragraphs "a" and "b", for the fiscal year beginning July
33 1, 2012, the department of human services may transfer funds
34 within or between any of the appropriations made in this
35 section for the following purposes:

1 a. For adoption subsidy payments and services.

2 b. For child care assistance.

3 Sec. 54. EFFECTIVE DATE PROVISIONS. The section of this
4 division of this Act appropriating moneys received through the
5 federal Child Enrollment Contingency Fund for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, being deemed
7 of immediate importance, take effect upon enactment.

8 Sec. 55. RETROACTIVE APPLICABILITY. The sections of this
9 division of this Act appropriating moneys received through
10 the federal Child Enrollment Contingency Fund for the fiscal
11 year beginning July 1, 2011, and ending June 30, 2012, apply
12 retroactively to July 1, 2011.

13 DIVISION VII

14 PRIOR APPROPRIATIONS AND RELATED CHANGES

15 INJURED VETERANS GRANT PROGRAM

16 Sec. 56. 2008 Iowa Acts, chapter 1187, section 69,
17 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter
18 182, section 83, 2010 Iowa Acts, chapter 1192, section 56, and
19 2011 Iowa Acts, chapter 129, section 53, is amended to read as
20 follows:

21 Notwithstanding section 8.33, moneys appropriated in this
22 subsection that remain unencumbered or unobligated at the close
23 of the fiscal year shall not revert but shall remain available
24 for expenditure for the purposes designated until the close of
25 the fiscal year beginning July 1, ~~2011~~ 2012.

26 IOWA VETERANS HOME

27 Sec. 57. 2011 Iowa Acts, chapter 129, section 3, subsection
28 2, is amended by adding the following new paragraph:

29 NEW PARAGRAPH. d. The funds appropriated in this subsection
30 to the Iowa veterans home that remain available for expenditure
31 for the succeeding fiscal year pursuant to section 35D.18,
32 subsection 5, shall be distributed to be used in the succeeding
33 fiscal year in accordance with this lettered paragraph. The
34 first \$975,919 shall be used for the costs of replacing a
35 boiler at the Iowa veterans home. The next \$500,000 shall

1 remain available to be used for the purposes of the Iowa
2 veterans home. Any remaining balance shall revert to the
3 general fund of the state.

4 MEDICAL ASSISTANCE

5 Sec. 58. 2011 Iowa Acts, chapter 129, section 10, subsection
6 20, paragraph d, is amended to read as follows:

7 d. If the savings to the medical assistance program exceed
8 the cost, the department may transfer any savings generated
9 for the fiscal year due to medical assistance program cost
10 containment efforts initiated pursuant to 2010 Iowa Acts,
11 chapter 1031, Executive Order No. 20, issued December 16,
12 2009, or cost containment strategies initiated pursuant
13 to this subsection, to the ~~appropriation~~ appropriations
14 made in this division of this Act for medical contracts or
15 general administration to defray the increased contract costs
16 associated with implementing such efforts.

17 Sec. 59. EFFECTIVE DATE PROVISIONS. This division of this
18 Act, being deemed of immediate importance, takes effect upon
19 enactment.

20 Sec. 60. RETROACTIVE APPLICABILITY. The section of
21 this division of this Act relating to the transfer of funds
22 from costs savings under the medical assistance program to
23 appropriations for medical contracts or general administration
24 for the fiscal year beginning July 1, 2011, and ending June 30,
25 2012, applies retroactively to July 1, 2011.

26 DIVISION VIII

27 MISCELLANEOUS

28 Sec. 61. Section 97B.39, Code 2011, is amended to read as
29 follows:

30 **97B.39 Rights not transferable or subject to legal process**
31 **— exceptions.**

32 The right of any person to any future payment under this
33 chapter is not transferable or assignable, at law or in
34 equity, and the moneys paid or payable or rights existing
35 under this chapter are not subject to execution, levy,

1 attachment, garnishment, or other legal process, or to the
2 operation of any bankruptcy or insolvency law except for the
3 purposes of enforcing child, spousal, or medical support
4 obligations or marital property orders, or for recovery of
5 medical assistance payments pursuant to section 249A.5. For
6 the purposes of enforcing child, spousal, or medical support
7 obligations, the garnishment or attachment of or the execution
8 against compensation due a person under this chapter shall
9 not exceed the amount specified in 15 U.S.C. § 1673(b).
10 The system shall comply with the provisions of a marital
11 property order requiring the selection of a particular benefit
12 option, designated beneficiary, or contingent annuitant if
13 the selection is otherwise authorized by this chapter and
14 the member has not received payment of the member's first
15 retirement allowance. However, a marital property order shall
16 not require the payment of benefits to an alternative payee
17 prior to the member's retirement, prior to the date the member
18 elects to receive a lump sum distribution of accumulated
19 contributions pursuant to section 97B.53, or in an amount that
20 exceeds the benefits the member would otherwise be eligible to
21 receive pursuant to this chapter.

22 Sec. 62. Section 135H.10, subsection 3, Code 2011, is
23 amended by striking the subsection.

24 Sec. 63. Section 232.52, Code 2011, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 2A. Notwithstanding subsection 2 and
27 section 907.3A, subsection 1, the court shall not order
28 placement of a child in the state training school or the Iowa
29 juvenile home if that placement is not in accordance with the
30 applicable population limitations established pursuant to
31 section 233A.1, subsection 3, and section 233B.1, subsection 3.

32 DIVISION IX

33 MH/ID/DD SERVICES-RELATED APPROPRIATIONS FOR FISCAL YEAR
34 2012-2013

35 Sec. 64. NEW SECTION. **225C.7A Mental health and disability**

1 **services redesign fund.**

2 The mental health and disability services redesign fund is
3 created in the state treasury. Moneys credited to the fund
4 shall be appropriated to the department of human services to be
5 used as provided for redesign of mental health and disability
6 services.

7 **Sec. 65. RISK POOL FUNDING — FY 2011-2012.**

8 1. All moneys in the property tax relief fund from the
9 appropriation made pursuant to 2011 Iowa Acts, chapter
10 123, section 21, subsection 1, that remain following the
11 distributions made pursuant to 2011 Iowa Acts, chapter 129,
12 section 43, shall be transferred to the appropriation made
13 from the general fund of the state for the medical assistance
14 program for the fiscal year beginning July 1, 2012, in 2011
15 Iowa Acts, chapter 129, section 122. The moneys shall be
16 transferred on the effective date of this section.

17 2. The moneys transferred pursuant to this section shall
18 be used for medical assistance program reimbursement and
19 associated costs as specifically provided in the reimbursement
20 methodologies in effect on July 1, 2011, except as otherwise
21 expressly authorized by law, and consistent with options under
22 federal law and regulations.

23 **Sec. 66. REPLACEMENT GENERATION TAX — LEVY RATES.** If the
24 repeal of chapter 426B in this division of this Act is enacted
25 after the department of management has revised county certified
26 budgets and rates of taxation pursuant to section 426B.2,
27 subsection 3, paragraph "b", during the period beginning May
28 1, 2012, and ending June 30, 2012, the revisions shall be
29 rescinded and the department of management shall expeditiously
30 report that fact to the county auditors.

31 **Sec. 67. MH/DS REDESIGN FUND — GENERAL FUND**
32 **APPROPRIATION.** There is appropriated from the general
33 fund of the state to the department of human services for the
34 fiscal year beginning July 1, 2012, and ending June 30, 2013,
35 the following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 To be credited to the mental health and disability services
3 redesign fund created in section 225C.7A:

4 \$ 17,750,000

5 Sec. 68. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
6 FUND — FY 2012-2013.

7 1. Moneys available in the mental health and disability
8 services redesign fund created in section 225C.7A, are
9 appropriated to the department of human services for the fiscal
10 year beginning July 1, 2012, and ending June 30, 2013, to be
11 used as provided in this section.

12 2. a. Notwithstanding sections 249A.12 and 249A.26,
13 moneys appropriated in this section shall be used to pay the
14 nonfederal share of medical assistance program services costs
15 that would otherwise be billed to counties for the following
16 services provided in the fiscal year beginning July 1, 2012:
17 habilitation, targeted case management, and home-based and
18 community-based services waiver services for persons with
19 intellectual disabilities and brain injury.

20 b. Notwithstanding section 249A.12, for the fiscal year
21 beginning July 1, 2012, the state shall pay 88 percent of the
22 nonfederal share of medical assistance program costs provided
23 by community-based intermediate care facilities for persons
24 with mental retardation (ICF/MR). The remaining portion of the
25 nonfederal share of such medical assistance program costs in
26 the fiscal year for community-based ICF/MRs shall be billed to
27 counties as specified in section 249A.12.

28 c. The nonfederal share of the medical assistance services
29 costs for the services specified in this subsection provided
30 for the fiscal year beginning July 1, 2012, shall be paid from
31 the mental health and disability services redesign fund and
32 shall not be billed to counties.

33 3. In accordance with section 249A.12, for the fiscal year
34 beginning July 1, 2012, counties shall remain responsible for
35 the nonfederal share of medical assistance program costs and

1 related costs to the extent specified by law for the services
2 provided at the state resource centers.

3 4. Of the funds appropriated in this section, for the
4 fiscal year beginning July 1, 2012, \$500,000 shall be used to
5 implement the children's mental health home project proposed
6 by the department of human services and reported to the
7 general assembly's mental health and disability services study
8 committee in December 2011. Of this amount up to \$50,000 may
9 be transferred by the department to the appropriation made to
10 the department for the fiscal year for general administration
11 to be used for associated administrative expenses and for
12 not more than one full-time equivalent position, in addition
13 to those authorized for the fiscal year, to be assigned to
14 implementing the project.

15 5. Of the funds appropriated in this section, up to \$400,000
16 may be transferred by the department to the appropriation
17 made to the department for the fiscal year for general
18 administration to support redesign and balancing incentive
19 planning and implementation activities. The funds may be used
20 for contracts or for personnel in addition to the amounts
21 appropriated for and the positions authorized for general
22 administration for the fiscal year.

23 6. Of the funds appropriated in this section, up to
24 \$3,000,000 may be transferred by the department to the
25 appropriations made to the department for the fiscal year for
26 general administration or medical contracts to be used to
27 support the development and implementation of standardized
28 assessment tools for persons with mental illness, intellectual
29 disability, developmental disability, or brain injury.

30 7. Moneys remaining in the mental health and disability
31 services redesign fund at the close of the fiscal year shall
32 revert to the general fund of the state.

33 Sec. 69. Section 135.180, subsection 3, Code Supplement
34 2011, is amended to read as follows:

35 3. The program shall provide stipends to support

1 psychiatrist positions with an emphasis on securing and
2 retaining medical directors at community mental health centers,
3 providers of mental health services to county residents
4 pursuant to a waiver approved under section 225C.7, subsection
5 3, Code 2011, and hospital psychiatric units that are located
6 in mental health professional shortage areas.

7 Sec. 70. Section 222.73, subsection 2, paragraph b, Code
8 2011, is amended to read as follows:

9 b. The per diem costs billed to each county shall not exceed
10 the per diem costs billed to the county in the fiscal year
11 beginning July 1, 1996. However, the per diem costs billed to
12 a county may be adjusted in a fiscal year to reflect increased
13 costs to the extent of the percentage increase in the total
14 of county fixed budgets ~~pursuant to the allowed growth factor~~
15 ~~adjustment authorized by the general assembly for that fiscal~~
16 ~~year in accordance with section 331.439~~ for mental health and
17 disability services in the previous fiscal year.

18 Sec. 71. Section 225C.4, subsection 1, paragraph h, Code
19 2011, is amended by striking the paragraph.

20 Sec. 72. Section 230.20, subsection 2, paragraph b, Code
21 2011, is amended to read as follows:

22 b. The per diem costs billed to each county shall not exceed
23 the per diem costs billed to the county in the fiscal year
24 beginning July 1, 1996. However, the per diem costs billed
25 to a county may be adjusted annually to reflect increased
26 costs to the extent of the percentage increase in the total
27 of county fixed budgets ~~pursuant to the allowed growth factor~~
28 ~~adjustment authorized by the general assembly for the fiscal~~
29 ~~year in accordance with section 331.439~~ for mental health and
30 disability services in the previous fiscal year.

31 Sec. 73. Section 331.424A, Code Supplement 2011, is amended
32 to read as follows:

33 **331.424A County mental health, mental retardation, and**
34 **developmental disabilities services fund.**

35 1. For the purposes of this chapter, unless the context

1 otherwise requires, "*services fund*" means the county mental
2 health, mental retardation, and developmental disabilities
3 services fund created in subsection 2. The county finance
4 committee created in section 333A.2 shall consult with the
5 state commission in adopting rules and prescribing forms for
6 administering the services fund.

7 2. For the fiscal year beginning July 1, 1996, and
8 succeeding fiscal years, county revenues from taxes and other
9 sources designated for mental health, mental retardation,
10 and developmental disabilities services shall be credited
11 to the mental health, mental retardation, and developmental
12 disabilities services fund of the county. The board shall make
13 appropriations from the fund for payment of services provided
14 under the county management plan approved pursuant to section
15 331.439. The county may pay for the services in cooperation
16 with other counties by pooling appropriations from the fund
17 with other counties or through county regional entities
18 including but not limited to the county's mental health and
19 developmental disabilities regional planning council created
20 pursuant to section 225C.18.

21 3. For the fiscal year beginning July 1, 1996, and
22 succeeding fiscal years, receipts from the state or federal
23 government for such services shall be credited to the services
24 fund, including moneys allotted to the county from the state
25 payment made pursuant to section 331.439 and ~~moneys allotted to~~
26 ~~the county for property tax relief pursuant to section 426B.1.~~

27 4. For the fiscal year beginning July 1, 1996, and for each
28 subsequent fiscal year, the county shall certify a levy for
29 payment of services. For each fiscal year, county revenues
30 from taxes imposed by the county credited to the services fund
31 shall not exceed an amount equal to the amount of base year
32 expenditures for services as defined in section 331.438, less
33 the amount of property tax relief ~~to be received~~ for the fiscal
34 year beginning July 1, 2011, pursuant to section 426B.2, Code
35 Supplement 2011, in the fiscal year for which the budget is

1 certified. ~~The county auditor and the board of supervisors~~
2 ~~shall reduce the amount of the levy certified for the services~~
3 ~~fund by the amount of property tax relief to be received.~~ A
4 levy certified under this section is not subject to the appeal
5 provisions of section 331.426 or to any other provision in law
6 authorizing a county to exceed, increase, or appeal a property
7 tax levy limit.

8 5. Appropriations specifically authorized to be made from
9 the mental health, mental retardation, and developmental
10 disabilities services fund shall not be made from any other
11 fund of the county.

12 6. This section is repealed July 1, 2013.

13 Sec. 74. Section 331.438, subsection 1, unnumbered
14 paragraph 1, Code Supplement 2011, is amended to read as
15 follows:

16 For the purposes of section 331.424A, this section, and
17 section 331.439, ~~and chapter 426B~~, unless the context otherwise
18 requires:

19 Sec. 75. Section 331.438, subsection 2, Code Supplement
20 2011, is amended to read as follows:

21 2. A state payment to a county for a fiscal year shall
22 consist of the ~~sum of the state funding the county is eligible~~
23 ~~to receive from the property tax relief fund in accordance~~
24 ~~with section 426B.2 plus the county's portion of state~~
25 ~~funds appropriated for the allowed growth factor adjustment~~
26 ~~established by the general assembly under section 331.439,~~
27 ~~subsection 3, and paid from the allowed growth funding pool in~~
28 ~~accordance with section 426B.5~~ for purposes of the county's
29 services fund.

30 Sec. 76. Section 331.439, subsection 1, unnumbered
31 paragraph 1, Code Supplement 2011, is amended to read as
32 follows:

33 The state payment to eligible counties under this section
34 shall be made as provided in ~~sections~~ section 331.438 ~~and~~
35 ~~426B.2.~~ A county is eligible for the state payment, as defined

1 in section 331.438, for a fiscal year if the director of human
2 services determines for a specific fiscal year that all of the
3 following conditions are met:

4 Sec. 77. Section 331.439, subsection 1, paragraph a, Code
5 Supplement 2011, is amended to read as follows:

6 a. The county accurately reported by December 1 the
7 county's expenditures for mental health, mental retardation,
8 and developmental disabilities services and the information
9 required under section 225C.6A, subsection 3, paragraph "c",
10 for the previous fiscal year in accordance with rules adopted
11 by the state commission. If the department determines good
12 cause exists, the department may extend a deadline otherwise
13 imposed under this chapter, or chapter 225C, ~~or chapter 426B~~
14 for a county's reporting concerning mental health, mental
15 retardation, or developmental disabilities services or related
16 revenues and expenditures.

17 Sec. 78. Section 331.439, subsection 3, Code Supplement
18 2011, is amended to read as follows:

19 3. ~~a.~~ For the fiscal year beginning July 1, 1996,
20 and succeeding fiscal years, the county's mental health,
21 mental retardation, and developmental disabilities service
22 expenditures for a fiscal year are limited to a fixed budget
23 amount. The fixed budget amount shall be the amount identified
24 in the county's management plan and budget for the fiscal
25 year. ~~The county shall be authorized an allowed growth factor~~
26 ~~adjustment as established by statute for services paid from~~
27 ~~the county's services fund under section 331.424A which is~~
28 ~~in accordance with the county's management plan and budget,~~
29 ~~implemented pursuant to this section. The statute establishing~~
30 ~~the allowed growth factor adjustment shall establish the~~
31 ~~adjustment for the fiscal year which commences two years from~~
32 ~~the beginning date of the fiscal year in progress at the time~~
33 ~~the statute is enacted.~~

34 ~~b.~~ ~~Based upon information contained in county management~~
35 ~~plans and budgets and proposals made by representatives of~~

~~1 counties, the state commission shall recommend an allowed
2 growth factor adjustment to the governor by November 15
3 for the fiscal year which commences two years from the
4 beginning date of the fiscal year in progress at the time the
5 recommendation is made. The allowed growth factor adjustment
6 may address various costs including but not limited to the
7 costs associated with new consumers of service, service cost
8 inflation, and investments for economy and efficiency. In
9 developing the service cost inflation recommendation, the state
10 commission shall consider the cost trends indicated by the
11 gross expenditure amount reported in the expenditure reports
12 submitted by counties pursuant to subsection 1, paragraph
13 "a". The governor shall consider the state commission's
14 recommendation in developing the governor's recommendation for
15 an allowed growth factor adjustment for such fiscal year. The
16 governor's recommendation shall be submitted at the time the
17 governor's proposed budget for the succeeding fiscal year is
18 submitted in accordance with chapter 8.~~

~~19 e. The amount of the appropriation required to fund the
20 allowed growth factor adjustment for a fiscal year shall be
21 calculated by applying the adjustment established by statute
22 for that fiscal year to the sum of the following:~~

~~23 (1) The total amount of base year expenditures for all
24 counties.~~

~~25 (2) The total amount of the appropriations for allowed
26 growth factor adjustments made to all counties in all of the
27 fiscal years prior to that fiscal year.~~

28 Sec. 79. Section 426B.6, Code Supplement 2011, is amended
29 to read as follows:

30 **426B.6 Future repeal.**

31 This chapter is repealed July 1, ~~2013~~ 2012.

32 Sec. 80. Section 437A.8, subsection 4, paragraph d, Code
33 2011, is amended to read as follows:

34 *d.* (1) Notwithstanding paragraph "a", a taxpayer who owns
35 or leases a new electric power generating plant and who has

1 no other operating property in the state of Iowa except for
2 operating property directly serving the new electric power
3 generating plant as described in section 437A.16 shall pay
4 the replacement generation tax associated with the allocation
5 of the local amount to the county treasurer of the county in
6 which the local amount is located and shall remit the remaining
7 replacement generation tax, if any, to the director according
8 to paragraph "a" for remittance of the tax to county treasurers.
9 The director shall notify each taxpayer on or before August 31
10 following a tax year of its remaining replacement generation
11 tax to be remitted to the director. All remaining replacement
12 generation tax revenues received by the director shall
13 be deposited in the ~~property tax relief~~ mental health and
14 disability services redesign fund created in ~~section 426B.1,~~
15 ~~and shall be distributed as provided in section 426B.2~~ section
16 225C.7A.

17 (2) If a taxpayer has paid an amount of replacement tax,
18 penalty, or interest which was deposited into the ~~property tax~~
19 ~~relief~~ mental health and disability services redesign fund and
20 which was not due, all of the provisions of section 437A.14,
21 subsection 1, paragraph "b", shall apply with regard to any
22 claim for refund or credit filed by the taxpayer. The director
23 shall have sole discretion as to whether the erroneous payment
24 will be refunded to the taxpayer or credited against any
25 replacement tax due, or to become due, from the taxpayer that
26 would be subject to deposit in the ~~property tax relief~~ mental
27 health and disability services redesign fund.

28 Sec. 81. Section 437A.15, subsection 3, paragraph f, Code
29 Supplement 2011, is amended to read as follows:

30 f. Notwithstanding the provisions of this section, if
31 a taxpayer is a municipal utility or a municipal owner of
32 an electric power facility financed under the provisions
33 of chapter 28F or 476A, the assessed value, other than the
34 local amount, of a new electric power generating plant shall
35 be allocated to each taxing district in which the municipal

1 utility or municipal owner is serving customers and has
2 electric meters in operation in the ratio that the number of
3 operating electric meters of the municipal utility or municipal
4 owner located in the taxing district bears to the total number
5 of operating electric meters of the municipal utility or
6 municipal owner in the state as of January 1 of the tax year.
7 If the municipal utility or municipal owner of an electric
8 power facility financed under the provisions of chapter 28F
9 or 476A has a new electric power generating plant but the
10 municipal utility or municipal owner has no operating electric
11 meters in this state, the municipal utility or municipal owner
12 shall pay the replacement generation tax associated with the
13 new electric power generating plant allocation of the local
14 amount to the county treasurer of the county in which the local
15 amount is located and shall remit the remaining replacement
16 generation tax, if any, to the director at the times contained
17 in section 437A.8, subsection 4, for remittance of the tax to
18 the county treasurers. All remaining replacement generation
19 tax revenues received by the director shall be deposited
20 in the ~~property tax relief~~ mental health and disability
21 services redesign fund created in ~~section 426B.1, and shall be~~
22 ~~distributed as provided in section 426B.2~~ section 225C.7A.

23 Sec. 82. Section 445.5, subsection 1, paragraph h, Code
24 Supplement 2011, is amended by striking the paragraph.

25 Sec. 83. 2011 Iowa Acts, chapter 129, section 135, is
26 amended to read as follows:

27 SEC. 135. MI/MR/DD STATE CASES.

28 1. There is appropriated from the general fund of the
29 state to the department of human services for the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, the following
31 amount, or so much thereof as is necessary, to be used for the
32 purpose designated:

33 ~~For distribution to counties for state case services~~
34 ~~for persons with mental illness, mental retardation, and~~
35 ~~developmental disabilities in accordance with section 331.440~~

1 To be credited to the mental health and disability services
 2 redesign fund created by this division of this 2012 Act:
 3 \$ 6,084,741
 4 12,169,482

5 ~~2. For the fiscal year beginning July 1, 2012, and ending~~
 6 ~~June 30, 2013, \$100,000 is allocated for state case services~~
 7 ~~from the amounts appropriated from the fund created in section~~
 8 ~~8.41 to the department of human services from the funds~~
 9 ~~received from the federal government under 42 U.S.C. ch. 6A,~~
 10 ~~subch. XVII, relating to the community mental health center~~
 11 ~~block grant, for the federal fiscal years beginning October~~
 12 ~~1, 2010, and ending September 30, 2011, beginning October 1,~~
 13 ~~2011, and ending September 30, 2012, and beginning October 1,~~
 14 ~~2012, and ending September 30, 2013. The allocation made in~~
 15 ~~this subsection shall be made prior to any other distribution~~
 16 ~~allocation of the appropriated federal funds.~~

17 ~~3. Notwithstanding section 8.33, moneys appropriated in~~
 18 ~~this section that remain unencumbered or unobligated at the~~
 19 ~~close of the fiscal year shall not revert but shall remain~~
 20 ~~available for expenditure for the purposes designated until the~~
 21 ~~close of the succeeding fiscal year.~~

22 Sec. 84. 2011 Iowa Acts, chapter 129, section 136, is
 23 amended to read as follows:

24 SEC. 136. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
 25 — COMMUNITY SERVICES FUND. There is appropriated from
 26 the general fund of the state to the ~~mental health and~~
 27 ~~developmental disabilities community services fund created in~~
 28 ~~section 225C.7~~ department of human services for the fiscal year
 29 beginning July 1, 2012, and ending June 30, 2013, the following
 30 amount, or so much thereof as is necessary, to be used for the
 31 purpose designated:

32 ~~For mental health and developmental disabilities community~~
 33 ~~services in accordance with this division of this Act~~ To be
 34 credited to the mental health and disability services redesign
 35 fund created by this division of this 2012 Act:

1 \$ 14,211,100

2 ~~1. Of the funds appropriated in this section, \$14,187,556~~
3 ~~shall be allocated to counties for funding of community-based~~
4 ~~mental health and developmental disabilities services. The~~
5 ~~moneys shall be allocated to a county as follows:~~

6 ~~a. Fifty percent based upon the county's proportion of the~~
7 ~~state's population of persons with an annual income which is~~
8 ~~equal to or less than the poverty guideline established by the~~
9 ~~federal office of management and budget.~~

10 ~~b. Fifty percent based upon the county's proportion of the~~
11 ~~state's general population.~~

12 ~~2. a. A county shall utilize the funding the county~~
13 ~~receives pursuant to subsection 1 for services provided to~~
14 ~~persons with a disability, as defined in section 225C.2.~~
15 ~~However, no more than 50 percent of the funding shall be used~~
16 ~~for services provided to any one of the service populations.~~

17 ~~b. A county shall use at least 50 percent of the funding the~~
18 ~~county receives under subsection 1 for contemporary services~~
19 ~~provided to persons with a disability, as described in rules~~
20 ~~adopted by the department.~~

21 ~~3. Of the funds appropriated in this section, \$23,544~~
22 ~~shall be used to support the Iowa compass program providing~~
23 ~~computerized information and referral services for Iowans with~~
24 ~~disabilities and their families.~~

25 ~~4. a. Funding appropriated for purposes of the federal~~
26 ~~social services block grant is allocated for distribution~~
27 ~~to counties for local purchase of services for persons with~~
28 ~~mental illness or mental retardation or other developmental~~
29 ~~disability.~~

30 ~~b. The funds allocated in this subsection shall be expended~~
31 ~~by counties in accordance with the county's county management~~
32 ~~plan approved by the board of supervisors. A county without~~
33 ~~an approved county management plan shall not receive allocated~~
34 ~~funds until the county's management plan is approved.~~

35 ~~c. The funds provided by this subsection shall be allocated~~

1 ~~to each county as follows:~~

2 ~~(1) Fifty percent based upon the county's proportion of the~~
3 ~~state's population of persons with an annual income which is~~
4 ~~equal to or less than the poverty guideline established by the~~
5 ~~federal office of management and budget.~~

6 ~~(2) Fifty percent based upon the amount provided to the~~
7 ~~county for local purchase of services in the preceding fiscal~~
8 ~~year.~~

9 ~~5. A county is eligible for funds under this section if the~~
10 ~~county qualifies for a state payment as described in section~~
11 ~~331.439.~~

12 ~~6. The most recent population estimates issued by the United~~
13 ~~States bureau of the census shall be applied for the population~~
14 ~~factors utilized in this section.~~

15 Sec. 85. 2011 Iowa Acts, chapter 129, section 154, is
16 amended to read as follows:

17 SEC. 154. MENTAL HEALTH, MENTAL RETARDATION, AND
18 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
19 RELIEF. Notwithstanding In lieu of the standing appropriation
20 in section 426B.1, subsection 2, Code Supplement 2011, for
21 the fiscal year beginning July 1, 2012, and ending June 30,
22 2013, the amount there is appropriated from the general fund of
23 the state pursuant to that provision shall not exceed to the
24 department of human services the following amount or so much
25 thereof as is necessary to be used for the purposes designated:

26 To be credited to the mental health and disability services
27 redesign fund created by this division of this 2012 Act:
28 \$ 81,199,911

29 Sec. 86. 2011 Iowa Acts, chapter 129, section 155, is
30 amended to read as follows:

31 SEC. 155. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING —
32 FY 2012-2013.

33 1. There is appropriated from the general fund of the
34 state to the department of human services for the fiscal year
35 beginning July 1, 2012, and ending June 30, 2013, the following

1 amount, or so much thereof as is necessary, to be used for the
2 purpose designated:

3 ~~For distribution to counties of the county mental health,~~
4 ~~mental retardation, and developmental disabilities allowed~~
5 ~~growth factor adjustment for fiscal year 2012-2013 as provided~~
6 ~~in this section in lieu of the allowed growth factor provisions~~
7 ~~of section 331.438, subsection 2, and section 331.439,~~
8 ~~subsection 3, and chapter 426B~~ To be credited to the mental
9 health and disability services redesign fund created by this
10 division of this 2012 Act:

11 \$ 74,697,893

12 2. ~~Of the amount appropriated in this section, \$38,000,000~~
13 ~~shall be distributed as provided in this subsection.~~

14 a. ~~To be eligible to receive a distribution under this~~
15 ~~subsection, a county must meet the following requirements:~~

16 (1) ~~The county is levying for the maximum amount allowed~~
17 ~~for the county's mental health, mental retardation, and~~
18 ~~developmental disabilities services fund under section 331.424A~~
19 ~~for taxes due and payable in the fiscal year beginning July 1,~~
20 ~~2012, or the county is levying for at least 90 percent of the~~
21 ~~maximum amount allowed for the county's services fund and that~~
22 ~~levy rate is more than \$2 per \$1,000 of the assessed value of~~
23 ~~all taxable property in the county.~~

24 (2) ~~In the fiscal year beginning July 1, 2010, the~~
25 ~~county's mental health, mental retardation, and developmental~~
26 ~~disabilities services fund ending balance under generally~~
27 ~~accepted accounting principles was equal to or less than 15~~
28 ~~percent of the county's actual gross expenditures for that~~
29 ~~fiscal year.~~

30 b. ~~The amount of a county's distribution from the allocation~~
31 ~~made in this subsection shall be determined based upon the~~
32 ~~county's proportion of the general population of the counties~~
33 ~~eligible to receive a distribution under this subsection. The~~
34 ~~most recent population estimates issued by the United States~~
35 ~~bureau of the census shall be applied in determining population~~

1 ~~for the purposes of this paragraph.~~

2 ~~c. The distributions made pursuant to this subsection~~
3 ~~are subject to the distribution provisions and withholding~~
4 ~~requirements established in this section for the county mental~~
5 ~~health, mental retardation, and developmental disabilities~~
6 ~~allowed growth factor adjustment for the fiscal year beginning~~
7 ~~July 1, 2012.~~

8 ~~3. The following amount of the funding appropriated in this~~
9 ~~section is the allowed growth factor adjustment for fiscal~~
10 ~~year 2012-2013, and shall be credited to the allowed growth~~
11 ~~funding pool created in the property tax relief fund and for~~
12 ~~distribution in accordance with section 426B.5, subsection 1:~~
13 ~~..... \$ 36,697,893~~

14 ~~4. The following formula amounts shall be utilized only~~
15 ~~to calculate preliminary distribution amounts for the allowed~~
16 ~~growth factor adjustment for fiscal year 2012-2013 under this~~
17 ~~section by applying the indicated formula provisions to the~~
18 ~~formula amounts and producing a preliminary distribution total~~
19 ~~for each county:~~

20 ~~a. For calculation of a distribution amount for eligible~~
21 ~~counties from the allowed growth funding pool created in the~~
22 ~~property tax relief fund in accordance with the requirements in~~
23 ~~section 426B.5, subsection 1:~~
24 ~~..... \$ 49,773,346~~

25 ~~b. For calculation of a distribution amount for counties~~
26 ~~from the mental health and developmental disabilities (MH/DD)~~
27 ~~community services fund in accordance with the formula provided~~
28 ~~in the appropriation made for the MH/DD community services fund~~
29 ~~for the fiscal year beginning July 1, 2012:~~
30 ~~..... \$ 14,187,556~~

31 ~~5. a. After applying the applicable statutory distribution~~
32 ~~formulas to the amounts indicated in subsection 4 for purposes~~
33 ~~of producing preliminary distribution totals, the department~~
34 ~~of human services shall apply a withholding factor to adjust~~
35 ~~an eligible individual county's preliminary distribution~~

1 total. In order to be eligible for a distribution under this
2 section, a county must be levying 90 percent or more of the
3 maximum amount allowed for the county's mental health, mental
4 retardation, and developmental disabilities services fund under
5 section 331.424A for taxes due and payable in the fiscal year
6 for which the distribution is payable.

7 b. An ending balance percentage for each county shall
8 be determined by expressing the county's ending balance on a
9 modified accrual basis under generally accepted accounting
10 principles for the fiscal year beginning July 1, 2010, in the
11 county's mental health, mental retardation, and developmental
12 disabilities services fund created under section 331.424A, as a
13 percentage of the county's gross expenditures from that fund
14 for that fiscal year. If a county borrowed moneys for purposes
15 of providing services from the county's services fund on or
16 before July 1, 2010, and the county's services fund ending
17 balance for that fiscal year includes the loan proceeds or an
18 amount designated in the county budget to service the loan for
19 the borrowed moneys, those amounts shall not be considered
20 to be part of the county's ending balance for purposes of
21 calculating an ending balance percentage under this subsection.

22 c. For purposes of calculating withholding factors and for
23 ending balance amounts used for other purposes under law, the
24 county ending balances shall be adjusted, using forms developed
25 for this purpose by the county finance committee, to disregard
26 the temporary funding increase provided to the counties for
27 the fiscal year through the federal American Recovery and
28 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a
29 county may adjust the ending balance amount by rebating to the
30 department all or a portion of the allowed growth and MH/DD
31 services fund moneys the county received for the fiscal year
32 beginning July 1, 2011, in accordance with this Act, or from
33 any other services fund moneys available to the county. The
34 rebate must be remitted to the department on or before June 1,
35 2012, in order to be counted. The amount rebated by a county

~~1 shall be subtracted dollar-for-dollar from the county's ending
2 balance amount for the fiscal year beginning July 1, 2010,
3 for purposes of calculating the withholding factor and for
4 other ending balance purposes for the fiscal year beginning
5 July 1, 2012. The rebates received by the department shall be
6 credited to the property tax relief fund and distributed as
7 additional funding for the fiscal year beginning July 1, 2012,
8 in accordance with the formula provisions in this section.~~

~~9 d. The withholding factor for a county shall be the
10 following applicable percent:~~

~~11 (1) For an ending balance percentage of less than 5
12 percent, a withholding factor of 0 percent. In addition,
13 a county that is subject to this lettered paragraph shall
14 receive an inflation adjustment equal to 3 percent of the gross
15 expenditures reported for the county's services fund for the
16 fiscal year.~~

~~17 (2) For an ending balance percentage of 5 percent or more
18 but less than 10 percent, a withholding factor of 0 percent.
19 In addition, a county that is subject to this lettered
20 paragraph shall receive an inflation adjustment equal to 2
21 percent of the gross expenditures reported for the county's
22 services fund for the fiscal year.~~

~~23 (3) For an ending balance percentage of 10 percent or more
24 but less than 25 percent, a withholding factor of 25 percent.
25 However, for counties with an ending balance of 10 percent or
26 more but less than 15 percent, the amount withheld shall be
27 limited to the amount by which the county's ending balance was
28 in excess of the ending balance percentage of 10 percent.~~

~~29 (4) For an ending balance percentage of 25 percent or more,
30 a withholding percentage of 100 percent.~~

~~31 6. The total withholding amounts applied pursuant to
32 subsection 5 shall be equal to a withholding target amount of
33 \$13,075,453. If the department of human services determines
34 that the amount appropriated is insufficient or the amount to
35 be withheld in accordance with subsection 5 is not equal to~~

~~1 the target withholding amount, the department shall adjust the
2 withholding factors listed in subsection 5 as necessary to
3 achieve the target withholding amount. However, in making such
4 adjustments to the withholding factors, the department shall
5 strive to minimize changes to the withholding factors for those
6 ending balance percentage ranges that are lower than others and
7 shall only adjust the zero withholding factor or the inflation
8 adjustment percentages specified in subsection 5, paragraph
9 "d", when the amount appropriated is insufficient.~~

10 Sec. 87. REPEAL. Sections 225C.7 and 225C.12, Code 2011,
11 are repealed.

12 Sec. 88. EFFECTIVE UPON ENACTMENT. The sections of
13 this division of this Act relating to risk pool funding
14 remaining after the distributions made pursuant to 2011 Iowa
15 Acts, chapter 129, section 43, and addressing revisions of
16 county certified budgets and levy rates by the department of
17 management during the period beginning May 1, 2012, and ending
18 June 30, 2012, being deemed of immediate importance, take
19 effect upon enactment.

20 EXPLANATION

21 This bill relates to appropriations for health and human
22 services for fiscal year 2012-2013 to the department of
23 veterans affairs, the Iowa veterans home, the department on
24 aging, the department of public health, the Iowa finance
25 authority, the state board of regents, the department of
26 inspections and appeals, and the department of human services.
27 The appropriations were previously enacted in 2011 Iowa Acts,
28 chapter 129 (H.F. 649). The bill is organized into divisions.

29 DEPARTMENT ON AGING. This division amends appropriations
30 made from the general fund of the state for the department on
31 aging.

32 DEPARTMENT OF PUBLIC HEALTH. This division amends
33 appropriations made from the general fund of the state for the
34 department of public health.

35 DEPARTMENT OF VETERANS AFFAIRS. This division amends

1 appropriations made from the general fund of the state for the
2 department of veterans affairs.

3 DEPARTMENT OF HUMAN SERVICES. This division amends
4 appropriations made from the general fund of the state and the
5 federal temporary assistance for needy families block grant to
6 the department of human services (DHS). The allocation for the
7 family development and self-sufficiency grant program is made
8 directly to the department of human rights.

9 Appropriations are made from the health care trust fund for
10 the medical assistance (Medicaid) program in addition to the
11 general fund appropriations made for this purpose.

12 The reimbursement section addresses reimbursement for
13 providers reimbursed by the department of human services.

14 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
15 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
16 TRANSFORMATION ACCOUNT, MEDICAID FRAUD FUND, QUALITY ASSURANCE
17 TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST FUND. This
18 division amends appropriations made for fiscal year 2012-2013.

19 The appropriation from the pharmaceutical settlement account
20 to the department of human services supplements the Medicaid
21 program medical contracts appropriation.

22 The appropriations from the IowaCare account are made to
23 the state board of regents for distribution to the university
24 of Iowa hospitals and clinics and to the department of human
25 services for distribution to a publicly owned acute care
26 teaching hospital in a county with a population over 350,000
27 related to the IowaCare program and indigent care.

28 The appropriation from the nonparticipating provider
29 reimbursement fund is made to the department of human services
30 to reimburse nonparticipating providers under the IowaCare
31 program.

32 The appropriations to the department of human services from
33 the account for health care transformation are directed to
34 various health care reform initiatives.

35 The appropriations made to supplement the Medicaid program

1 are from the following funds and account: quality assurance
2 trust fund, hospital health care access trust fund, and
3 Medicaid fraud fund.

4 The bill repeals 2011 Iowa Acts, chapter 129, section 149,
5 which makes appropriations from the Medicaid fraud fund to
6 the department of inspections and appeals for the fiscal year
7 beginning July 1, 2011, for costs relating to assisted living
8 programs and adult day care services.

9 The bill repeals 2011 Iowa Acts, chapter 129, section 153,
10 which provides that if the total amounts appropriated from
11 all sources for the medical assistance program for fiscal
12 year 2012-2013 exceed the amount needed, the excess remains
13 available to be used for the program in the succeeding fiscal
14 year.

15 CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT
16 CONTINGENCY FUND. This division makes appropriations provided
17 through the federal child enrollment contingency fund to the
18 department of human services for fiscal years 2011-2012 and
19 2012-2013. The section making appropriations for fiscal year
20 2011-2012 takes effect upon enactment and is retroactively
21 applicable to July 1, 2011.

22 MISCELLANEOUS. This division provides miscellaneous
23 statutory amendments.

24 Code section 97B.39, relating to Iowa public employees'
25 retirement system (IPERS) payments, is amended to include
26 recovery of Medicaid program payments related to estate
27 recovery in the list of exceptions that allow IPERS payments
28 to be subject to execution, levy, attachment, garnishment,
29 or other legal process, or to the operation of bankruptcy or
30 insolvency law.

31 Code section 135H.10, relating to administrative rules
32 addressing psychiatric medical institutions for children
33 (PMICs) is amended to strike a prohibition against the
34 department of human services including services provided by
35 PMICs in any managed care contract.

1 Code section 232.52, relating to the disposition of a
2 child found to have committed a delinquent act, is amended
3 to prohibit the court from ordering a placement in the state
4 training school at Eldora or the Iowa juvenile home at Toledo
5 if the placement is not in accordance with the population
6 guidelines established for those facilities.

7 MH/MR/DD SERVICES FUNDING FOR FISCAL YEAR 2012-2013. This
8 division revises various standing and other appropriations
9 for mental health, mental retardation, and developmental
10 disabilities (MH/MR/DD) for fiscal years 2011-2012 and
11 2012-2013.

12 Moneys in the property tax relief fund from the
13 appropriation made pursuant to 2011 Iowa Acts, chapter 123
14 (SF 209), section 21, subsection 1, that remain following the
15 distributions to counties made pursuant to 2011 Iowa Acts,
16 chapter 129, section 43, are required to be transferred to the
17 appropriation made from the general fund of the state for the
18 medical assistance program in 2011 Iowa Acts, chapter 129,
19 section 10. The transfer is to be made on the effective date
20 of the provision.

21 A mental health and disability services redesign fund
22 is created in new Code section 225C.7A. The following
23 appropriations made for that fiscal year in 2011 Iowa Acts,
24 chapter 129, are amended to be credited to the fund: MI/MR/DD
25 state cases in section 135, MH/DD community services fund in
26 section 136, MH/MR/DD property tax relief funding pursuant
27 to Code section 426B.1, as amended by section 154, and adult
28 MH/MR/DD allowed growth funding in section 155. Moneys in
29 the fund are appropriated to the department to be used to pay
30 the nonfederal share of medical assistance program services
31 costs that would otherwise be billed to counties for the
32 following services provided in the fiscal year beginning July
33 1, 2012: habilitation, targeted case management, and home
34 and community-based services waiver services for persons with
35 intellectual disabilities and brain injury, and 88 percent

1 of services provided by community-based intermediate care
2 facilities for persons with mental retardation (ICF/MR).
3 Counties remain responsible for the remaining portion of the
4 nonfederal share of such medical assistance program costs in
5 the fiscal year for community-based ICF/MRs and for all of the
6 nonfederal share for the state resource centers. Provisions
7 in Code sections 249A.12 and 249A.26 that would otherwise
8 require counties to pay the entire nonfederal share are made
9 inapplicable for the fiscal year. Allocations from the fund
10 are specified for other purposes associated with redesign of
11 mental health and disability services.

12 An existing repeal of Code chapter 426B, relating to county
13 property tax relief for MH/MR/DD services, on July 1, 2013, is
14 changed to July 1, 2012. Conforming amendments are made to
15 various Code provisions.

16 Code section 445.5, requiring the county treasurer to notify
17 each land titleholder of the amount of property tax reduction
18 on each parcel as a result of the moneys received from the
19 state property tax relief fund, is amended to eliminate the
20 requirement.

21 Current law provides for certain electrical power
22 replacement generation tax revenues to be credited to the
23 property tax relief fund for distribution to counties to
24 reduce mental health, mental retardation, and developmental
25 disabilities levies. The property tax relief fund and the
26 county levy provisions are repealed effective July 1, 2013,
27 pursuant to 2011 Iowa Acts, chapter 123 (SF 209). The bill
28 provides for the revenues to instead be deposited in the new
29 mental health and disability services redesign fund. The bill
30 amends these Code sections to reflect the change: section
31 437A.8, relating to return and payment requirements for taxes
32 on electricity and natural gas providers; and section 437A.15,
33 relating to allocation of replacement tax revenues.

34 Code section 225C.7, creating the MH/DD community services
35 fund, and Code section 225C.12, providing for partial

1 reimbursement to counties for local inpatient mental health
2 care and treatment, are both repealed and conforming amendments
3 are included.

4 Current law provides for the department of management
5 to reduce county-certified budgets and levy rates for the
6 succeeding fiscal year to reflect the replacement tax revenues
7 in the fund as of May 1, 2012. If the repeal of Code chapter
8 426B in the division is enacted after the department has
9 applied the reductions, the reductions are rescinded, and the
10 department is required to expeditiously notify the county
11 auditors.